

Social Order

FORCE, YES, VIOLENCE, NO

William V. O'Brien

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An Historical and Legal Survey:

CHURCH-STATE

In The

AMERICAN ENVIRONMENT

Edward Duff

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Church-State in the American Environment:

An Historical and Legal Survey

EDWARD DUFF, S.J.

IT MAY WELL BE that the next President of the United States will be a Catholic, a fact which would make him unique among the 33 men who have held this high office. The possibility is a matter of serious concern to many millions of Americans. While they are mindful that the federal Constitution declares that "no religious test shall ever be required as a qualification to any office or public trust under the United States," they claim that a sincere Catholic cannot with intellectual honesty accept a fundamental principle of the American political system: the refusal of an official status or even of a favored position to any religious denomination.

At a recent Chicago symposium on "The Present Position of Catholics in America," John Cogley indicated that there is a widespread feeling among non-Catholics "that the guiding clerics of the church, here as well as abroad, are power-hungry and that their followers are so cowed and so shakily American that they would go to the polls and vote away our traditional liberties if they were strong enough. Let us not

kid ourselves: there are many who feel this way."

In accepting the nomination of the Democratic Party for President in Los Angeles Senator John F. Kennedy addressed himself boldly (and some thought a bit brashly) to this fear of clerical imperialism. Recalling his 14 years of public service "supporting complete separation of church and state," the nominee (who had earlier taken stands against an Ambassador to the Vatican and federal aid to non-state schools) declared:

It is not relevant, I want to stress, what some other political or religious leader may have said on this subject. It is not relevant what abuses may have existed in other countries or in other times. It is not relevant what pressures, if any, might conceivably be brought to bear on me. I am telling you now what you are entitled to know: that my decisions on every public policy will be my own—as an American, a Democrat and a free man.

Invited to address le Groupe européen des sociologues S.J. at Antwerp in August on the American political scene, the Editor offered these "... just a few things."

Whether such an affirmation of total independence of any possible clerical counsel, whether such an avowal of faith in the American political arrangement will allay the doubts of non-Catholics remains to be seen. Senator Kennedy hoped "that no American, considering the really critical issues facing this country, will waste his franchise by voting either for me or against me solely on account of my religious affiliation."

The religious affiliation of the Democratic Party's candidate in 1928 certainly counted heavily against him. Alfred E. Smith, elected four times as Governor of the State of New York, was the only other Catholic ever to be nominated for the Presidency by a major political party. Although the prosperity of the times, his advocacy of the repeal of the Prohibition Amendment, his personal cultural deficiencies and his identification with the political machines of the big cities hurt his chances, his Catholicism, historians are agreed, was a major negative factor in his campaign.¹ Since the objections to Senator Kennedy on the ground of the alleged incompatibility of his Catholicism with American political premises are the same that were urged against Governor Smith, it may be profitable to review this aspect of the 1928 campaign as well as its historical roots.

It is commonly—and hopefully—held that the notion that Catholicism is a tradition alien and opposed to American culture has abated decisively since the 1928 campaign. After all, Catholics constitute 23 per cent of the nation's population; they demonstrated their patriotism splendidly in the war

(Senator Kennedy was decorated for bravery in action in the Pacific); they and their educational institutions have been growing impressively.² Senator Kennedy is himself a symbol of this social advance. His great-grand parents were Irish immigrants; his grandfather became Mayor of Boston; his father, a former Ambassador to Great Britain, has through shrewd business skills become a multi-millionaire; the Senator is one of the Overseers of Harvard University and an author of a book awarded the Pulitzer literary prize for historical writing.³ Handsome, highly intelligent and energetic, he would appear to be the refutation of the earlier image of the Catholic as a foreigner, uneducated and shiftless, superstitious and immoral, huddled with his fellow immigrants in poverty in the teeming tenements of the large cities.

"Nativism"

Such was the image that was exploited to defeat the last Catholic candidate for President. It was an expression of a bigotry known as "nativism"; its roots go back to the founding of the country. The American colonists were unabashedly anti-Catholic. Patriotism was synonymous with Protestantism, for England was the motherland of the original settlers.⁴

² The current *Official Catholic Directory* indicates that there are 40,871,302 Catholics in the United States, living in 16,896 parishes; they are served by 53,796 priests; a total of 8,786,270 youth are in Catholic educational institutions; last year 146,212 adults entered the Church.

³ Current biographies of Senator Kennedy include: James MacGregor Burns, *John Kennedy: A Political Profile*, New York, Harcourt, Brace, 1960; Joseph F. Dinneen, *Kennedy Family*, Boston, Little, Brown, 1960; Joseph McCarthy, *Remarkable Kennedys*, New York, Dial, 1960.

⁴ The following paragraphs are based largely on R. F. Butts, *The American Tradition in Religion and Education*, Boston, Beacon Press, 1950.

¹ See Edmund A. Moore, *A Catholic Runs for President*, New York, Ronald Press, 1956 and Oscar Handlin, *Al Smith and His America*, Boston, Little, Brown, 1958.

Virginia, for example, incorporated the features of the English Established Church under the Acts of Supremacy and of Uniformity. By the royal charter of 1606 the colony was authorized to give financial support to ministers, to require church attendance of all settlers and to levy penalties upon all who spoke blasphemy or heresy. No religious beliefs except the legally approved religion could be publicly taught without danger of legal punishment by the State. Somewhat similar forms of Anglican establishments were enacted in the Carolinas and eventually in Maryland and Georgia. Nor may it be thought that the Puritans of New England, victims of religious persecution in England, proposed to allow freedom of religion to others. They objected, to be sure, to the Anglican doctrine that the civil ruler is the supreme authority in religious affairs; they were, moreover, determined to "purify" religion of all Catholic taint; they made their religious orthodoxy the law of the land in Massachusetts, Connecticut and New Hampshire. Only members of the Puritan church could become freemen. In another group of colonies, New York, New Jersey, Maryland and Georgia, religious freedom varied with changes in the population. Thus, in New York each town was required to have some kind of a church and to support it but its denomination was left to the decision of the people of the locality. It was sufficient that the preacher be in possession of a certificate of ordination from some Protestant bishop or minister.

The example of Maryland is instructive. Intended originally as a haven for persecuted Catholics, it celebrated last year the 325th anniversary of its founding. In a message to the commemora-

tive meeting on November 22, 1959 President Eisenhower sent a message declaring that Americans "owe a debt of gratitude to the founders of Maryland who welcomed settlers of every creed to her hospitable shore." The marker unveiled by the Maryland Historical Society reads:

St. Marys City, capital of Maryland, 1634-1694. Here, for the first time in America, men and women of different faiths, lived in peace and goodwill, practicing freedom of conscience, according to Lord Baltimore's "Instruction to Colonists," 1633. Freemen assembled, of various beliefs, changed practice into law by approving "An Act Concerning Religion." 1649.

The Catholic Lord Baltimore's "Instruction to Colonists," it was noted at the ceremony, insisted that non-Catholics should be treated "without discrimination on religious grounds." Protestants came to Maryland in such numbers, however, that the Puritans were able to pass laws discriminating against Catholics. In 1704 "An Act to Prevent the Growth of Popery" was adopted by the legislature; its restrictions resemble the disabilities imposed on non-Catholics in Spain today.

Colonial restrictions

Another group of colonies, Rhode Island, Pennsylvania and Delaware, were founded on a larger measure of religious freedom. However, the celebrated historian of bigotry in the United States, Ray A. Billington declares in his *The Protestant Crusade, 1800-1860*: "So general was . . . anti-Catholic sentiment in Colonial America that by 1700 a Catholic could enjoy full civil and religious rights only in Rhode Island, and even here it is doubtful what the interpretation of the liberal statutes might have been."

There were political causes as well

as religious grounds for the colonists' anti-Catholicism. Catholic Powers threatened their existence from both north and south. Fear of Spain, established in Florida, induced Georgia to appoint an inspector to make sure all immigrants were Protestants. Oaths denouncing transubstantiation were required of all officeholders after 1743. With the advent of the 18th century wars between France and England, Pennsylvania, Virginia and New York disarmed all Catholics, the last state requiring them to post a bond for good behavior. Catholics living in the middle colonies were put under close surveillance. North and South Carolina along with New Hampshire imposed a rigid system of oaths to prevent Catholics from holding office or enjoying the free exercise of their religion. Connecticut removed them from the protection of its laws. The Quebec Act of 1774, extending toleration to Catholics there and including in that province the French settlers of the Ohio country, was viewed as an alliance of an autocratic English king with an autocratic Pope to sway Catholic Canadians against Protestant Americans. Some historians contend that the colonists' resentment of the Quebec Act and their fear of Catholic power cemented the divergent religious groups sufficiently to allow them to make war on England. So hostile was the environment of the colonies and so repressive the legislation that the historian of American Catholicism, Peter Guilday, has written that at the eve of the Revolutionary War the Catholic group, numbering 25,000 of all ages, was threatened with extinction. The decisive support of Catholic France to the Revolution and the demonstrated loyalty of the Catholic to the cause of freedom (one of the signers of the Declaration of Independ-

ence, Charles Carroll, was a Catholic, the wealthiest man in the colonies) changed public opinion considerably. Even so, at the end of the Revolution seven States, Massachusetts, New Hampshire, New Jersey, Connecticut, North Carolina, South Carolina and Georgia, specified Protestant officeholders and other states in their constitutions inflicted additional disabilities on Catholics.

In the general atmosphere of liberty engendered by the successful War of Independence an amendment guaranteeing freedom of religion was added to the federal constitution by the Congress of the United States in its first session on September 25, 1789. Life became easier for Catholics in the new nation.



It was the great waves of immigration, mostly from Catholic countries, that occasioned the first outbreak of bigotry before the Civil War. Willing to take any kind of work, they drove down wages. Poor and ignorant, and penniless, they often became public charges. The language barrier made them separate and suspect as later in the century and up to World War I, Slavs, Magyars and Italians replaced the original wave of Irish and German immigrants. It became politically profitable to point to the danger to the essentially Protestant culture these immigrants represented. Their member-

ship in an universal church was grounds for absurd canards, for example, of political directives emanating from the Vatican. Ignorance of Catholicism made possible the acceptance of stories about the immorality of convents and the moral tyranny of the confessional. As successor to the infamous "Know-Nothing Party" (so-called because its members refused to answer any questions) and the American Protective Association of the last century, the post World War I years saw the emergence of the Ku Klux Klan.⁸ Catholicism was only one of the objects of this secret organization claiming five million members. It was anti-foreign, anti-Negro, anti-Semitic; it identified America with the supremacy of white, Anglo-Saxon Protestantism. The poison of its preaching worked mightily against the Catholic nominee of 1928, Governor Smith.

It is undoubtedly true that the climate of opinion has changed a great deal in the intervening years. Will Herberg, a religious sociologist, speaks of "the transformation of the United States from a Protestant to a three-religion country" and argues that today a good American citizen is expected to have a religion although it is a matter of general indifference which it is, since any religious affirmation is sufficient to support the moralistic "American Way of Life." The change is illustrated tellingly by two books: the 1927 edition of André Siegfried's *America Comes of Age* describes Protestantism as "our national religion." The introductory chapter of a 1951 symposium *Protestant Thought in the Twentieth Cen-*

tury is entitled "America at the End of the Protestant Era."^{9a}



Although it may no longer be accurate to describe the United States as a Protestant country, the heritage of Protestantism (and of elements of Enlightenment thought that were present in the minds of the Founding Fathers) still holds Catholicism suspect and doubts that an authoritarian religion can really be comfortable in the libertarian American environment. Last year a Catholic publishing house invited a small group of well-disposed non-Catholics to set down their impressions of American Catholicism. One of them, Professor Stringfellow Barr, declared: "It is simply a brutal fact that American non-Catholics are afraid of the Catholic Church, and its behavior in certain other countries has not reassured them. Fear is a bad basis for good

^{9a}Indeed, it has been suggested that much of the preoccupation with the "religious issue" in this present campaign reflects a fear of the loss of a symbol of Protestant cultural ascendancy. Noting that Catholics are taken for granted as mayors, governors, senators and even as Supreme Court Justices, Rabbi Arthur Hertzberg asks: "Why, then, do Blake and O'nam, as well as Pike, balk only at the Presidency? The answer would seem to be that they have an almost mystical regard for the Presidency as the incarnation of 'the American way of life,' which they tend to identify, for historical reasons, with non-conformist, individualistic Protestantism. Such Protestantism, in the deepest sense, is the American 'establishment' as Protestants envisage it, and the Presidency is as much its head as the Queen of England is the head and highest exemplar of the Church of England." *Commentary*, 30 (October, 1960) p. 283.

⁸ See Ray A. Billington, *The Protestant Crusade, 1800-1860*, New York, Macmillan, 1938. A current account of Know-Nothingism is Carleton Beals' *Brass Knuckle Crusade*, New York, Hastings House, 1960.

communication, and breeds a kind of cold war."⁶ This fear crystallizes around the issue of the relationship of church and state and, concretely, on the question of the First Amendment to the federal Constitution which declares: "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof . . ."

The charge, based on official church pronouncements, is made persistently that a Catholic cannot give sincere intellectual assent to this fundamental provision of the nation's Bill of Rights, that his religious belief is in inevitable and insoluble conflict with true political allegiance to his country. Senator Kennedy anticipated the challenge by announcing in advance that he believes in the separation of church and state and by pointing to his public record.⁷ To Governor Smith the challenge came in the form of an elaborately courteous "Open Letter" from a distinguished New York lawyer, Charles C. Marshall, published in the prominent cultural re-

view, the *Atlantic Monthly*.⁸ Analyzing the assertions of the 1885 encyclical *Immortale Dei*, the writer singled out Pope Leo's claim: "Over the mighty multitude of mankind, God has set rulers with powers to govern, and he has willed that one of them (the Pope) should be the head of all." Mr. Marshall found the logical conclusion to this claim in Leo's statement that the Catholic Church "deems it unlawful to place the various forms of divine worship on the same footing as the true religion." This being the Catholic position, as diagnosed by Marshall, his concern was normal. He wrote:

It is obvious that such convictions leave nothing in theory of the religious and moral rights of those who are not Roman Catholics. And, indeed, that is Roman Catholic teaching and the inevitable deduction from Roman Catholic claims, if we use the word "rights" strictly. Other churches, other religious societies, are tolerated in the State, not by right, but by favor.

How could Smith live at once with the Constitution's prohibition of an established religion, its insistence on holding in equal favor different kinds of religion or no religion and with the statement of Leo XIII: "It is not lawful for the State, any more than for the individual, either to disregard all religious duties or to hold in equal favor different kinds of religion?" Marshall put a direct question to the Catholic candidate: "Thus the Constitution declares the United States shall hold in equal favor different kinds of religion or no religion and the Pope declares it is not lawful to hold them in equal favor. Is there not here a quandary for that man who is at once a loyal churchman and a loyal citizen?"

⁶ *American Catholics, A Protestant-Jewish View*, edited by Philip Scharper, New York, Sheed and Ward, 1959, p. 18. Another contributor to the same symposium, Professor Robert McAfee Brown sums up the impression given that "Catholicism is a kind of monolithic structure." "In its crudest form," he observes, "this image of the Church suggests that the hierarchy has a uniform opinion on absolutely everything and that the laity believe and do whatever the hierarchy tells them to believe and do about absolutely everything. Every Catholic is a part of this structure, usually called a 'power structure,' and will in no way deviate from what he is told to do." p. 81.

⁷ Speaking to the American Society of Newspaper Editors, Senator Kennedy said: "There is only one legitimate question underlying all the rest: Would you, as President of the United States, be responsive in any way to ecclesiastical pressures or obligations of any kind that might in any fashion influence or interfere with your conduct of that office in the national interest? I have answered that question many times. My answer was—and is—'No.' Once that question is answered, there is no legitimate issue of my religion . . ." *New York Times*, April 22, 1960, p. 16.

⁸ The Marshall article appeared in the April, 1927, issue. It is reprinted in *Religion and Politics*, edited by Peter H. Odegard, New York, Oceana Publications, 1960.

There is no evidence that Charles Marshall was particularly prejudiced. His professed purpose was to enable Governor Smith to explain what seemed a conflict of Catholicism and American constitutional law: Marshall did not exploit against the Catholic candidate the standard reference book on the subject, *The State and the Church*, by John A. Ryan, Professor of Moral Theology at the Catholic University of America, in collaboration with Moorhouse F. X. Millar, S.J.⁹ The book set forth the traditional confessional state as the ideal form of relationship between church and state. In this ideal arrangement the state, as the political instrument of society, would profess the Catholic faith and, in consequence, would act to advance Catholicism while discouraging, if not repressing, false religions.

Father Ryan's argumentation may be judged from this series of quotations from three consecutive pages of his book as stitched together by Paul Blanchard, the most vocal of the current Catholicism-as-a-political-peril school, to indicate that freedom of religious worship would not be available to non-Catholics in any state based on Catholic principles:

If these [religious practices] are carried on within the family, or in such inconspicuous manner as to be an occasion neither of scandal nor of perversion to the faithful, they may properly be tolerated by the State . . . Quite distinct from the performance of false religious worship and preaching to the members of the erring sect is the propagation of the false doctrine among Catholics. This could become a source of injury, a positive menace, to the religious welfare of true believers. Against such an evil they have

a right of protection by the Catholic State . . . If there is only one true religion, and if its possession is the most important good in life for States as well as individuals, then the public profession, protection, and promotion of this religion and the legal prohibition of all direct assaults upon it, becomes one of the most obvious and fundamental duties of the State.¹⁰

Embarrassed by the use made of his expression of the traditional Catholic teaching against the Catholic candidate, Monsignor Ryan wrote to the *New York World*: "While all this is very true in logic and in theory, the event of its practical realization in any state or country is so remote in time and in probability that no practical man will let it disturb his equanimity or affect his attitude toward those who differ from him in religious faith."

The Smith reply

Governor Smith was disposed to ignore the Marshall challenge, so preposterous did the alleged conflict of his religion and his patriotism seem to this self-educated son of Irish immigrants. Ultimately at the strong urging of his political advisors, Franklin D. Roosevelt prominent among them, he reluctantly addressed himself to the task of composing a reply, summarizing his creed "as an American Catholic."¹¹ His first riposte was direct: "So little are these matters of the essence of my faith that I, a devout Catholic since childhood, never heard of them until I read your letter." He felt compelled to minimize the authority of the pro-

⁹ Published by Macmillan, New York, 1922. For Father Ryan's part in the 1928 election see Francis L. Broderick, "When Last A Catholic Ran For President," *Social Order*, 10 (May, 1960), pp. 198-211.

¹⁰ *American Freedom and Catholic Power*, Boston, Beacon Press, 1949, p. 71. The composite quotation is from Ryan, *op. cit.*, pp. 35, 35-36, 37.

¹¹ The Smith reply in *The Atlantic Monthly* for May, 1927. It is found in *Religion and Politics*, p. 62 ff.

nouncements invoked by Marshall, demanding

by what right do you ask me to assume responsibility for every statement that may be made in any encyclical letter? As you will find in the *Catholic Encyclopedia* (Vol. V. p. 414) these encyclicals are not articles of our faith. The Syllabus of Pope Pius IX which you quote on the possible conflict between Church and State, is declared by Cardinal Newman to have no dogmatic force! You seem to think that Catholics must be all alike in mind and in heart, as though they had been poured into and taken out the same mould. You have no more right to ask me to defend as part of my faith every statement coming from a prelate than I should have to ask you to accept as an article of your religious faith every statement of an Episcopal bishop, or of your political faith every statement of a President of the United States.

Smith declared unabashedly: "I believe in absolute freedom of conscience for all men and in equality of all churches, all sects, and all beliefs before the law as a matter of right and not as a matter of favor. I believe in the absolute separation of church and state and in the strict enforcement of the provisions of the Constitution that Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof. I believe that no tribunal of any church has any power to make any decree of any force in the law of the land, other than to establish the status of its own communicants within its own church."

Governor Smith found support for his position in the phenomenological aspect of American Catholicism, its historic stance on the issue of religious freedom. He read the record:

The American prelates of our Church stoutly defend our constitutional declaration of equality of all religions before the law.

Cardinal O'Connell has said: "Thus to every American citizen has come the

blessed inheritance of civil, political, and religious liberty safeguarded by the American Constitution . . . the right to worship God according to the dictates of his conscience."

Bishop England, referring to our Constitution, said "Let the Pope and the Cardinals and all the powers of the Catholic world united make the least encroachment on that Constitution, we will protect it with our lives. Summon a General Council—let that Council interfere in the mode of our electing but an assistant to a turnkey of a prison—we deny the right, we reject the usurpation."

Archbishop Ireland has said: "The Constitution of the United States reads: 'Congress shall make no laws respecting an establishment of religion, or prohibiting the free exercise thereof.' It was a great leap forward on the part of the new nation towards personal liberty and the consecration of the rights of conscience." He also said: "To priest, to Bishop, or to Pope (I am willing to consider the hypothesis) who should attempt to rule in matters civil and political, to influence the citizen beyond the range of their own orbit of jurisdiction that are the things of God, the answer is quickly made. 'Back to your own sphere of rights and duties, back to the things of God!'"

Archbishop Dowling, referring to any conceivable union of church and state, says: "So many conditions for its accomplishment are lacking in every government of the world that the thesis may well be relegated to the limbo of defunct controversies."

Archbishop Ireland again said: "Religious freedom is the basic life of America, the cement running through all its walls and battlements, the safeguard of its peace and prosperity. Violate religious freedom against Catholics, our swords are at once unsheathed. Violate it in favor of Catholics, against non-Catholics, no less readily do they leap from the scabbard."

It was almost snidely that Smith observed to Marshall: "I think you have taken your thesis from this limbo of defunct controversies." The allusion here is to the celebrated distinction of "thesis-hypothesis" elaborated by the Jesuit editors of *Civiltà Cattolica* in the

wake of the controversy following the publication of the *Syllabus Errorum* of 1864. According to the "thesis" the Catholic Church, the unique, divinely created vehicle of salvation of mankind, is superior in nature, purpose and destiny to the state and is entitled to the assistance of the political instrument of society in the propagation of the gospel and the suppression of heresy. According to the "hypothesis" the Church, being unable to impose its claims, provisionally tolerates erroneous opinions and condones religious freedom as the lesser evil.

Unanimity of magisterium

The consistent and uninterrupted voice of the magisterium of the Church in the United States from the beginning appears unaware of the necessity of any such distinction, the hierarchy giving full-hearted approval of the political arrangement set forth in the Constitution whereby the State declares itself neutral in the matter of religious belief.

In 1784, seven years before the adoption of the First Amendment, John Carroll, first bishop of the United States, declared openly: "We have all smarted heretofore under the lash of an established church and shall therefore be on our guard against every approach toward it." He was pleased to note that: "thanks to genuine spirit and Christianity, the United States has banished intolerance from its system of Government. Freedom and independence, acquired by the united efforts, and cemented by the mingled blood of Protestant and Catholic fellow citizens, should be equally enjoyed by all." The outstanding loyalty of Bishop John England of Charleston, South Carolina,

was acknowledged by the Holy See which commissioned him Papal Nuncio to negotiate a concordat with Haiti. Yet, addressing the Hibernian Society of Savannah, Georgia on Saint Patrick's Day, 1824, the bishop did not blush to plead: "May God long preserve the liberties of America from the union of any church with any state." On another occasion, Bishop England proclaimed "I am convinced that a total separation from the temporal government is the most natural and safest state for the Church in any place where it is not, as in the Papal territory, a complete government of churchmen." In an argument over parochial school support in 1850 Archbishop John Hughes referred to "that justly obnoxious union of Church and State." Preaching in his titular church in Rome in 1909 Cardinal Gibbons asserted:

As a citizen of the United States, without closing my eyes to our defects as a nation, I proclaim, with a deep sense of pride and gratitude, and in this great capital of Christendom, that I belong to a country where the civil government holds over us the aegis of protection without interfering in the legitimate exercise of our sublime mission as ministers of the gospel of Jesus Christ . . . American Catholics rejoice in our separation of church and state. And I can conceive of no combination of circumstances likely to arise which would make a union desirable either to church or state . . . We know the blessings of our present arrangement; it gives us liberty and binds together priests and people in a union better than that of church and state . . . Other countries, other manners; we do not believe our system adapted to all conditions; we leave it to church and state in other lands to solve their problems for their own best interest. For ourselves we thank God we live in America, "in this happy country of ours," to quote Mr. [Theodore] Roosevelt, where "religion and liberty are natural allies."

It was a sentiment that was echoed by

Archbishop Ireland and Spaulding among others. Quoting Cardinal Gibbons' words 40 years later, Cardinal Cushing declared: "So spoke in his day Cardinal Gibbons. So do we speak in our day."

In 1948 Archbishop John T. McNicholas of Cincinnati endeavored to set all doubts on this point to rest. Speaking as the Chairman of the Administrative Board of the National Catholic Welfare Conference (and, therefore, as spokesman for the entire hierarchy), on January 25, 1948, he made this solemn declaration:

If tomorrow Catholics constituted a majority in our country, they would not seek a union of church and state. They would then, as now, uphold the Constitution and all its amendments, recognizing the moral obligation imposed on all Catholics to observe and defend it.

Archbishop McNicholas' reassurance has been very recently updated by his successor as Chairman of the Administrative Board of the National Catholic Welfare Conference and, thus, spokesman for the American hierarchy, the most Reverend Karl J. Alter, Archbishop of Cincinnati. Insisting that "there is no doctrine of the Catholic Church which is in conflict with the Constitution of the United States and, hence, there can be no conflict between the obligations imposed by the Church and those imposed by the Constitution," Archbishop Alter gave the following pledge:

The fear that we as Catholics will use religious toleration here to gain the ascendancy in our country, and then, having achieved political hegemony, proceed to deprive our fellow citizens of freedom of speech in religion, freedom of conscience, or impose our convictions upon them willy-nilly, is utterly unwarranted by any doctrine of the Catholic Church, as well as by the consistent pronouncements of the American hierarchy. We seek no privileged status; we proclaim our full

adherence to the provisions of the Constitution as of now as well as for the future.¹²

It is small wonder, then, that Archbishop Egidio Vagnozzi, Apostolic Delegate to the United States, asserted in the course of a symposium on Pope Leo XIII, held at Loyola University, Chicago, on March 18:

As far as the United States is concerned, I feel that it is a true interpretation of the feelings of the hierarchy and of American Catholics in general to say that they are well satisfied with their Constitution and well pleased with the fundamental freedom which their Church enjoys; in fact, they believe that this freedom is to a large extent responsible for the expansion and consolidation of the Church in this great country. Whether they remain a minority or become a majority, I am sure American Catholics will not jeopardize their cherished religious freedom in exchange for a privileged position.¹³

Surveying this uninterrupted and energetic endorsement of the principle of religious freedom written into the First Amendment, Msgr. John Tracy Ellis concluded: "When one considers that the position which I have been outlining has been held from 1784, when the future Archbishop Carroll was found publicizing his acceptance of the American pattern of church-state relations, to 1948, when the late Archbishop McNicholas made unmistakably clear his wholehearted avowal of the separation of church and state in this country—and that no variation from this theme has been heard from an American Catholic bishop—this should constitute an argument entitled to respect."¹⁴

The meaning of the same record was

¹²*The Sign*, July, 1960, pp. 11, 14, 65.

¹³"Leo XIII and Human Liberty," *Catholic Mind*, LVIII (July-August, 1960), p. 298.

¹⁴"Church and State: An American Catholic Tradition," *Harper's*, CCVII (November, 1953), p. 67. The earlier quotations from the American hierarchy on religious freedom are taken from this article.

read by Professor Henry Steele Commager in his *The American Mind* in this fashion:

Whatever conclusion may be drawn from a scrutiny of Catholic doctrine, the fact was that Catholicism had flourished as a major religion for three-quarters of a century without raising serious difficulties except in the imagination of men and that democratic institutions seemed as sound when the church numbered 24 million members as they had been when it counted its communicants by the hundred thousand . . . It might indeed be maintained that the Catholic Church was, during this period [since 1889], one of the most effective of all agencies for democracy and Americanization.¹⁵

How explain this loyal acceptance of a political philosophy whose Constitution, while not employing the phrase, imposes a separation of church and state, an arrangement deplored in Papal documents? The purpose of the First Amendment and the temper of its declaration of distinction of jurisdiction explains this positive allegiance of the American Catholic mind to the public law of the land.

Meaning of First Amendment

The First Amendment to the Constitution—prohibiting a national Established Church and guaranteeing freedom of religious expression—does not embody an ideology. It represents a pragmatic disposition. "It is not," as Father Gustave Weigel, S.J. has remarked recently, "a theological statement but a legal principle."¹⁶ Abundant and unassailable historical evidence demonstrates, as Mr. Justice Story attests in his fundamental study on the Con-

stitution, that: "The real object of the Amendment was to exclude all rivalry among Christian sects and to prevent any national ecclesiastical establishment which should give to a hierarchy the exclusive patronage of the national government." Behind this determination was the concern to leave to the separate states their preferences in matters of the preferred religion. (For many years several did, Massachusetts disestablishing its Congregational Church only in 1833 and to this day New Hampshire by its Constitution may legislate for "adequate support of public Protestant teachers of piety.") In addition, there was undoubtedly resentment over the disloyalty of the established Anglican churches in several of the colonies during the Revolution. Also actively present as a factor were the views of the very influential James Madison who, typical of many of his Virginia friends, conceived of religion as being of a wholly private character. That framers of the Amendment did not conceive of the Amendment as an expression of indifference to religion nor as a mandate against non-discriminatory cooperation between the state and religion is evident from the action of the U. S. Senate which, having agreed on the language of the Amendment, appointed a committee "to wait on the President of the United States to request that he recommend to the people of the United States that a day of public thanksgiving and prayer be observed." Archbishop Alter emphasizes the crux of the matter, observing: "The First Amendment actually limits the jurisdiction of the government by denying it any competence in the field of religion."

It is important to remember that the American Revolution is *not* a pro-

¹⁵New York, Oxford University Press, 1950, p. 193.

¹⁶The classical historical survey of the subject is Anson Phelps Stokes' *Church and State in the United States*, New York, Harper, 1950. A brilliant brief analysis is Wilfrid Parsons' *The First Freedom*, New York, Declan X. McMullen, 1948.

duct of the French Revolution whose cause and inspiration and consequences were essentially different. The writers of the American Constitution were not 19th century Liberals, promoting a policy of religious oppression in the name of religious freedom, using the slogan of the separation of church and state to expel religious Orders, confiscate church property and penalize the Church's charitable activity.¹⁷ They had no desire to separate religion from public life, for they had founded their claims to justice in the *Declaration of Independence* on the fact that "all men are created equal, that they are endowed by their Creator with certain unalienable rights." That is why the Pledge of Allegiance to the flag declares that we are "one nation, under God," why our money has always carried the emblem "In God we trust," why the crier opens sessions of the Supreme Court

with the call "God save the United States and this Honorable Court," why each session of Congress is opened with a prayer, why the students at the national military academies have always been required to attend the chapel of their religious faith. In short, as the Supreme Court ruled in a case releasing children from school for religious instruction, "we are a religious people whose institutions suppose a belief in a Supreme Being."¹⁸ It is the affirmation of the American political system that, by a self-denying ordinance, the government may (and in a modern pluralistic society should) abstain from recognizing or favoring any particular form of faith followed by this "religious people."¹⁹

The question is inescapable and American Catholics are constantly confronted with it: is our acceptance of religious freedom a species of superficial opportunism, of intellectual dishonesty and of political Machiavellism as the "thesis-hypothesis" distinction would seem to suggest? Can the Church which is, by definition, dogmatically intolerant, acknowledge religious liberty on principle and not merely on account of compulsion or expediency?

To be sure, the Catholic Church

¹⁷The rationale and the methodology of Liberalism are thus described by Professor H. A. Rommen: "The basis for the separation was not solicitude for the common good, it was not the desire for peace among a plurality of churches and sects, but rather an adherence to the philosophical tenets of rationalist liberalism as a kind of civil religion in Rousseau's meaning. Supernatural faith is here simply denied. The Christian rules of morality and the divine law are publicly declared either a myth, irreconcilable with modern science or with the proletarian revolution, or they are said to be only a propaganda instrument of clerical arrogance and of political anti-democratic reaction. Social and political life consequently are to be ruled without consideration of absolute Christian and divinely revealed law, but exclusively by the immanent rules of political or social or even proletarian science. It can easily be seen that such a 'religion' of indifferentism, even of anti-Christian rationalist scientism, in the new laic religion of the state, when imposed upon the citizens in public universities and schools, in the laws and administrative practices, makes of the state an instrument of the rationalist unbelievers of the intellectual ruling class to destroy the traditional religion of the still Christian people. This new religion becomes the public religion of the state while the Catholic religion is declared to be exclusively and wholly a private affair of the citizen." *The State in Catholic Thought*, St. Louis, B. Herder Book Co., 1945, pp. 600-601.

¹⁸343 U.S. 312. In July of this year the Maryland State Court of Appeals upheld a lower court's decision to deny a notary's commission to an avowed atheist when he refused to take an oath affirming his belief in God, declaring: "It seems clear under our Constitution disbelief in a supreme being, and the denial of any moral accountability for conduct, not only renders a person incompetent to hold public office, but to give testimony, or to serve as a juror."

¹⁹John Cogley has noted: "Almost everyone would agree that the American people are a 'religious people,' in the sense that neither by conviction, tradition, nor law are we aggressively anti-religious. As to what being a 'religious people' consists in, disagreement is almost as wide as the varieties of opinions about religion which thrive in our society. Since there can be no consensus about a 'religious people'."

which announces itself to be the repository of revealed truth cannot be expected to cease insisting on the obligation of each person to seek and pursue the truth, an obligation limiting the notion of freedom of conscience. "You are not morally free," the Church declares, "not to believe, whatever be your personal rights to pursue your present religious convictions." There is a distinction here between ontological truth and personal freedom which was underscored in a sentence of Pius XI's encyclical on Fascism, *Non abbiamo bisogno*: "We are both proud and happy to fight for the freedom of consciences (*la libertà delle coscienze*), and not, as I was inadvertently led to say, for freedom of conscience (*la libertà di coscienza*), an ambiguous expression that is all too often wrongly used to mean *complete* independence of conscience, which is absurd when applied to a soul created and redeemed by God." The same distinction was stressed last year by Cardinal Lercaro of Bologna in his widely-read lecture on tolerance: "When one affirms that truth is objective, by that very fact he admits of a distinction between truth itself and the act by which the individual yields to truth. Hence, in recognizing the objectivity of truth, the individual is, at the same time, establishing the right to personal freedom."²⁰ Further striking quotations might be offered from Cardinals Feltin, Griffin and Cushing as well as from Bishop Francois Charrière of Fribourg, traditional center of Catholic Social Thought. The Church has always insisted on religious freedom in that from the beginning she has forbidden—and termed a sin—any forced conversion. The new emphasis to

be noted is on the sacredness of the person as the basis of his subjective right to freedom of conscience.

Those inclined to consider the strictures on religious freedom of 19th century Popes, not least those of Leo XIII, as having permanent appositeness might well ponder the words of the same Pope:

It is the special property of human institutions and laws that there is nothing in them so holy and salutary but that custom may alter it, or overthrow it, or social habits bring it to naught. So in the Church of God, in which changeableness of discipline is joined with absolute immutability of doctrine, it happens not rarely that things which were once relevant or suitable become in the course of time out-of-date, or useless, or even harmful.

In his 1955 discourse to the International Historical Congress Pope Pius XII, for example, recognized explicitly that the medieval idea of a Church having power over the state "was time-conditioned and did not represent fundamental Catholic principles in the matter."²¹ An example of such adaptation and development emerged during the press conference on October 30, 1959 when Cardinal Tardini, Papal Secretary of State, was explaining the preparations for the coming General Council. One point, as reported by the *London Tablet*, is of interest:

²⁰Discourse to Tenth Congress of Historical Sciences, *Documentation Catholique*, October, 1955, pp. 1222-5. The English moralist, Canon L. L. McReavy explains the current conception of the roles of church and state: "Given the objective truth of the deposit of faith, the Church, its guardian, must of necessity be dogmatically intolerant. She can never compromise with religious or moral error on the intellectual plane, or make any concession in principle to the religious indifferentism of the liberalist thesis. But because dogmatic intolerance is proper to the Church, it does not follow that it is proper also to the state, or even that the state should lend a hand in enforcing it at the civil level. The Church has a divine mission to teach and defend the truth, but no such mission has been

²⁰*Catholic Mind*, LVII (January-February, 1960), p. 18. Also in *Documentation Catholique*, March 15, 1959.

Asked whether invitations would be sent to the governments of foreign states as was the custom in the past, Cardinal Tardini replied that "times have changed" and that the presence of the mighty of the earth, instead of adding dignity to the proceedings, might well provide an incongruous touch . . . The Press will be kept fully informed about the proceedings, not least to prevent reporters from guessing or reporting rumors.

Moreover, the historical context of papal pronouncements must always be kept in mind. Replying to the question "Where can one find the most authoritative and clearest statement of Catholic principles in relation to the subjects we have discussed?" Archbishop Alter replied: "Not in the much quoted writings or encyclicals of Boniface VIII or in the *Syllabus of Errors* of Pius IX; not in the sense that their teaching is rescinded, but in the sense that they cannot be rightly understood outside their historical context. They are couched in a language of polemics as well as of exposition."²² Thus, as the editor of the London *Tablet* notes, the *Syllabus of Errors* of 1864

although it used general language, [it] arose in an Italian context, and was aimed primarily by an encircled Pope against the followers of Mazzini and Cavour, and meant by progress and the modern civilization with which the Roman Pontiff had no obligation to reconcile himself what Mazzini and Cavour meant by those high, vague words. But

given to the state. Catholic doctrine has always rejected Caesaropapism and insisted on the distinction between the things that are Caesar's and those that are God's. Even in a predominantly Catholic country, the proper duties of the State are defined and limited by the requirements of the purpose for which God has given it authority, the promotion of the common temporal good. It has no proper mission in the religious field and, therefore, any assistance which it may afford its Christian subjects in the fulfillment of their dual citizenship is a subsidiary activity which must be subordinated to its essential function." London *Tablet*, June 4, 1960, p. 533.

²²The Sign, op. cit., p. 65.

the document went around the world as a declaration of war on a far broader front than its authors ever intended, absorbed as they were in the death-throes of the temporal power after some twelve hundred years.²³



Pope Pius XII insisted on the Church's "vital law of continuous adaptation" and on her refusal to become so identified with a particular historical moment as to be incapable of further dynamic development. The Church's experience under modern totalitarian regimes and her increasing contact with the competing cultures of the globe have occasioned a new openness to changing conditions. Thus, Pope Pius XII's Christmas Message of 1944, entitled in English "On Democracy," recommended "Social forms which can permit and ensure full personal responsibility in things temporal as well as in things eternal." Among the fundamental rights of man, the Holy Father listed "the right to worship God in private and in public and to continue this with charitable works of religious nature."

The painful experience of changes in

²³June 4, 1960, p. 532. The writer, commenting on the *Osservatore Romano's* insistence on the hierarchy's "right and duty to intervene" in the political field to guide its flock, continued: "The government of the Universal Church must be based somewhere, and it was providentially placed from the beginning in the city which has been the chief centre of human government, among the people with the greatest genius for that rare and invaluable art. But it is a natural consequence that it very often happens that decisions are flashed round the world which to be understood have to be seen in the Italian context which has brought them about."

historical circumstances has convinced the Church that the denial of fundamental human rights to all men inevitably leads to a restriction of the freedom of the Church in the public life of a nation and is immensely dangerous to her apostolic mission.

The harsh reality of the jack-boot state, invading every domain of personal life, imposing its organized ideology as a substitute for religious faith, has made the Church think kindlier of the democratic regime with its self-imposed limitation of function and its official neutrality on religious questions. It is not without significance that, when French integrists complained of the inclusion of the adjective *laïque* in the Constitution of the Fifth Republic, the hierarchy reminded them that the word does not necessarily have a pejorative meaning. In a conference to the leaders of Catholic Action last December 31 in the context of the debate on school aid in the National Assembly, Bishop Guerry of Cambrai explained the distinction by employing two different words.

Applied to the question of education, a public function of the State, *la laïcité* means that this public service is non-denominational, that it is neutral and need not, therefore, take a position for or against religion. The *laïcité* of the State manifests itself in the practical order then by an impartiality towards the different religious groups, recognizing the pluralism of the nation. A wholly different thing is the *laïcisme d'Etat*, that is to say, a philosophical doctrine based on agnosticism and ideological atheism which is to serve as the official inspiration of the State in all its public functions including that of education. This *laïcisme d'Etat* is the opposite of the genuine *laïcité d'Etat*.²⁴

The Church's increasing contacts

with the different civilizations of the world was certainly in the mind of Pope Pius XII when he addressed the Catholic Jurists of Italy on December 6, 1953. The Holy Father deplored the transfer of proposition that "error has no rights" from the metaphysical plane to the sphere of state legislation where it may offend against the common good. "God Himself," noted the Holy Father, "permits error and evil . . . the duty of suppressing moral and religious error cannot, therefore, be the final norm for action."



This papal denial of the government's right to restrict religious freedom cannot, of course, be converted into an affirmative argument establishing freedom of religion as an universal principle. It can be honestly reported, however, that the clear trend of theological thinking in the Church is toward such an opinion. It is significant that one of the articles which the editor of the *Catholic Encyclopedia* felt needed updating after 50 years was that on church and state. Appearing as a fascicule, issued as a supplement to the 1908 edition, it reports the current preoccupations of Catholic theologians who are striving to clarify the distinctions between the inner reality of religion and its cultural encrustation. It may well be that the catalyst will be a more acute analysis of the concept of "the community," the society of voluntary groups intervening, in logic, between the person and the state, a concept not over-familiar to students of Roman and Napoleonic law.

²⁴See *Cahiers d'action religieuse et sociale*, May 15, 1960, p. 308.

In any case, the direction the debate is taking has been assessed by an outsider, Dr. A. F. Carrillo de Albornoz, a research specialist at the World Council of Churches' headquarters at Geneva. In the course of a 95-page survey of contemporary Catholic discussion, published as *Roman Catholicism and Religious Liberty*, Dr. Carrillo observes:

Roman Catholic literature representing this modern tendency has lately been so voluminous and of such quality that it would be an understatement to say that, for one book or article in favor of the traditional doctrine, ten have been published defending universal religious freedom as "thesis"; and we should note that they have all been published with the "nihil obstat" of the Roman Catholic authorities. As is well known, the "nihil obstat" does not always mean that the book approved reflects exactly the official Roman Catholic doctrine on the matter, but it does always mean that nothing in such book is against the official teaching of the Roman Catholic Church.²⁶

Dr. Carrillo concludes his inquiry:

We think that there is evidence enough of the fact that:

(a) Many Roman Catholic theologians, in many countries, defend a new theory in favor of complete religious freedom in principle, which is quite different and even opposite to the old doctrine of "thesis" and "hypothesis."

(b) This theory has in no way been condemned but, on the contrary, is supported by very important members of the Roman Catholic Hierarchy; and

(c) This theory is not a tactical variant of the old doctrine for reasons of opportunism, but another radical and irreducible doctrinal position which is very sincerely and fiercely fighting the old one.²⁶

The study of Dr. Carrillo has been circulated in influential quarters in the United States. Its conclusions have been welcomed by American Catholics as useful to dispel the doubts and con-

fusions endemic in the minds of non-Catholics. At the Chicago symposium in mid-June on "The Present Position of Catholics in America" Bishop John King Mussio of Steubenville, Ohio remarked that the American Catholic has learned to give "to the service of his country the same spirit of loyal service he gives to his Church . . . [he] could never properly recognize as the authority of God what would deprive men, no matter what their background, race or persuasion, of their inherent right to worship God as conscience dictates." "Hence his surprise," commented the Jesuit weekly *America* on July 2,

at expressions of fear by some of his fellow Americans over possible encroachments by the Church on traditional American liberties. Even less comprehensible to the American Catholic is the fondness manifested by some of his coreligionists abroad for interpreting or discussing American domestic affairs in terms of the far less satisfactory history of church-state or intercreedal relations in other lands.



Freedom of religion whatever its observance is today conceded to be a fundamental human right. It is inscribed in the Universal Declaration of Human rights and incorporated in the Charter of Human Rights of the Council of Europe which, incidentally, Norway had to sign with a reservation because of the discriminatory clauses of its Constitution. What the ideological underpinnings of such a right are, however,

²⁶Published by the World Council of Churches, Geneva, p. 8.

²⁶*Ibid.*, p. 2.

is not clear. For the jurist, I suppose, the phenomenon of the prevalence of such guarantees in modern political constitutions gives the right recognition in international public law. The Protestant world community, as institutionalized in the World Council of Churches, has no doctrinal position on church-state relations. Its 1948 Amsterdam Assembly listed as primary characteristics of genuine religious freedom, "the rights of all men to hold and change their faith, to express it in worship and practice, to teach and persuade others, and to decide on the religious education of their children"²⁷ but the Director of the World Council's Commission of the Churches on International Affairs, O. Fredrick Nolde, concedes that the approach is "juridical" and insisted at that time that "there is an immediate need for the development of a Christian view on human rights in forms which will apply to all men."²⁸ No great progress is evident. American Protestantism seems merely to have given theological canonization to the political theory formulated in the First Amendment of the Constitution. And yet, its conception of the separation of church and state seemingly authorizes very many pastors to use their pulpits to give advice on how to vote in the present Presidential campaign.

Working out a satisfactory theology of religious toleration will be an immense task that will have to draw out and synthesize a vast amount of Catholic teaching on the freedom of the act of faith, on the nature and the scope of the state, on the primacy of the in-

dividual's conscience and on the modes of apostolic action available to the Church in our times. The task is not an easy one because, as Canon McReavy notes, "The problem is itself relatively modern and the theology of it is still in process of being worked out." The issues involved are not simple ones but they are crucially important. "The fundamental question we have to answer," writes Gabriel Marcel very pertinently, "is that of knowing on what principle it is possible to base a religious freedom that will be truly a contra-intolerance and that, nevertheless, will not be the expression or the testimony of scepticism, but instead the living incarnation of a faith."²⁹ Formulating a theology of tolerance is a task Father Max Pribilla, S.J., thought urgent ten years ago. "Above all," he remarked, "Catholics should consider it a primordial task to come to a theoretical and practical agreement which—at least in respect of more difficult issues—does not exist to date. This lack of unanimity weakens their inner unity and renders their outward defence more difficult."³⁰



American Catholics are eager to see such a theology elaborated not because they sense that it would make the candidacy of Senator Kennedy more attractive to their fellow citizens. A re-

²⁷The First Assembly of the World Council of Churches, New York, Harper, 1948, p. 93.

²⁸"Freedom of Religion and Related Human Rights" in *The Church and the International Disorder*, New York, Harper, 1948, p. 148.

²⁹"Phenomenologie et dialectique de la tolérance," *Du refus à l'invocation*, Paris, 1940, p. 27.

³⁰"Dogmatische Intoleranz und bürgerliche Toleranz," *Stimmen der Zeit*, 144 (April, 1949), pp. 28-29.

cent article by a regular contributor to *America*, Donald McDonald, makes an earnest plea for "A Theology of Tolerance."⁸¹ The statements of the hierarchy insisting on their permanent and unconditional acceptance of the Constitution with its separation of church and state provisions (and this even should Catholics constitute a majority of the nation) is found by the writer to be "not enough". There is need of an adequate and affirmative argument establishing the theological validity of such acceptance of the American political system. Before the Church takes a position, the writer observes, theologians must first attend to their traditional task of elaboration and explanation.



They will have a clear set of facts to start from: the uninterrupted and the consistent declarations of the American hierarchy extolling, as fully satisfying the demands of Catholic teaching and as fruitful for religion, a regime in which responsibility for the growth of the Kingdom of God is left uniquely in the hands of his assigned agents, unassisted by Caesar's functionaries.

⁸¹*America*, 103 (July 9, 1960), p. 437.

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The National Conference of Christians and Jews

DUMONT F. KENNY

A BASIC CHARACTERISTIC of American society is cultural pluralism. Within our boundaries are representatives of all the races of the world, of the peoples of nearly every culture, and the faithful of major religious denominations: 63 million Protestants, 41 million Catholics, 5.5 million Jews. Religious pluralism is a fact of life in 20th century America.

As a result, the citizens of this country are the inheritors of the values of a rich religious and political heritage. Yet, the religious virtues of love and charity and the political ideals of justice and democratic process have sometimes succumbed to human failings and passions. Fear and pride have played their destructive roles in nurturing prejudicial attitudes and discriminatory actions against members of groups who differ because of race, religion, or national origin. On occasion, these breakdowns in human relations have been alarmingly widespread. One of these waves of religious and racial hatred, paced by such organized effort as that of the Ku Klux Klan, led to the establishment of the National Conference of Christians and Jews (N.C.C.J.) in the election year of 1928.

A handful of concerned and farsighted citizens under the leadership of

former Chief Justice Charles Evans Hughes, former Secretary of War Newton D. Baker and S. Parkes Cadman, Past President of the Federal (now National) Council of the Churches of Christ in America, founded in that year an organization to make the moral concept of brotherhood part of the *mores* of our society and to rally in American communities the forces of resistance to prejudice, bigotry, and intolerance. To establish the pattern of Protestants, Catholics, and Jews standing and working together for those principles which they hold in common, these founders were joined by industrialist Roger W. Straus and Carlton J. H. Hayes as the first national co-chairmen. Everett R. Clinchy was selected as director of the

Dr. Kenny, a graduate of Fordham University and the University of Chicago, and sometime professor of Philosophy, served as postwar chief of Religious Affairs in the Office of Military Government for Hesse; he is currently Vice President for Program Development of the National Conference of Christians and Jews. His article is an adaptation of a chapter from Religious Education: A Comprehensive Survey, edited by Marvin J. Taylor. Copyright © 1960 and published at \$6.50 by Abingdon Press.

National Conference and later served as its president until 1958 when he was succeeded by Lewis Webster Jones.

"Good will" monument

The first systematic step to combat anti-Catholicism, anti-Semitism, and anti-Protestantism in the United States had its genesis in the "good will" movements of the early 1920s among American religious groups. Noteworthy among these efforts was the organization in 1924 of the Committee on Good Will between Jews and Christians by the Federal Council of the Churches of Christ in America. Such early attempts placed chief reliance on exhortation and verbal expressions of good will. Gradually and increasingly, the evidence indicated that a larger and more inclusive program should be inaugurated than was possible under specifically Protestant or other denominational auspices.

The statement of purposes of the National Conference of Christians and Jews as written by the organization's founders has been incorporated into the bylaws with little modification:

Believing in a spiritual interpretation of the universe and deriving its inspiration therefrom, the Corporation exists to promote justice, amity, understanding and cooperation among Protestants, Catholics and Jews, and to analyze, moderate and strive to eliminate inter-group prejudices which disfigure and distort religious, business, social and political relations, with a view to the establishment of a social order in which the religious ideals of brotherhood and justice shall become the standards of human relationships.

Towards these high objectives, often through trial and error methods, this unique adventure in brotherhood took on an organizational approach and conceptual base which has permitted con-

tinuous expansion of its program over the years. Gradually it became clear that the nature of the N.C.C.J. must be civic, not religious, quasi-religious, or even interfaith. The distinctive quality is that it is a civic organization of religiously motivated persons. Its members strive for the brotherhood of man under the fatherhood of God, endeavor to promote civic co-operation and mutual understanding among men of good will of all religious, racial, and nationality groups without compromise of religious beliefs, and seek through education to secure in principle and in practice for members of all religious, racial, and nationality groups the dignity, rights, and freedom inherent in the moral law, in religious faith, and guaranteed by the Constitution of the United States.

A civic organization

The National Conference, a nongovernmental and nonpolitical organization, is an association of individuals, not of official representatives of religious, educational, or other organizations. N.C.C.J. does not officially represent nor attempt to speak for any religious organization. It does not aim at any sort of amalgamation of religious bodies or at modifying any of the distinctive beliefs of its members; rather, it aims to promote affirmative co-operative action among Protestants, Catholics, and Jews in areas of common civic concern. Hence, it is not its function to compose theological differences, establish a least common denominator of belief among those who accept divine revelation, or engage in common worship.

It engages in an educational program to the end that people will be impelled

to recognize and to grant to others the same dignity and rights they seek for themselves. In its educational efforts to aid in the establishment or in the protection of the peace of our communities and our nation, it emphasizes the moral imperatives upon which this objective depends. It seeks in all of its work to guard against the dangers of religious indifferentism. The National Conference, a civic organization, is undergirded by the spiritual strength of men of faith.

During its formative years, programs emphasized the sponsorship of seminars which brought together prominent Protestants, Catholics, and Jews in discussions of mutual problems. These seminars held at various Eastern universities developed interesting techniques to cope with group differences and built bridges of understanding across religious lines. In these same early years the "trio" idea was adopted and trio teams of minister, priest, and rabbi spoke at thousands of meetings in hundreds of cities across the nation. In succeeding years, as the N.C.C.J. began to deepen its program and widen its organization, it established a number of professionally-staffed regional offices and an augmented national headquarters in New York. Today over 60 N.C.C.J. regional offices, several divisional offices, and hundreds of voluntary chapters serve an ever-increasing number of American communities.

In widening its scope of operations the N.C.C.J. established in 1934 the Religious News Service (R.N.S.). It is the only world-wide news agency furnishing spot news of all denominations to the church press, secular newspapers, nationally circulated magazines, and radio and television stations. R.N.S.

Daily News Reports of both foreign and domestic religious news, its 15-minute religious news script for radio "The Religious News Reporter," its photo service, and several weekly features are made available to local newspapers and religious publications at moderate subscription rates. It was in this same year that N.C.C.J. began to make brotherhood a household word by sponsoring, at the suggestion of Monsignor Hugh McMenamin, a priest of Denver, the first celebration of Brotherhood Day. In 1940 the observance was lengthened to an entire week—the week in February in which the birthday of George Washington occurs. Now a permanent part of the American scene, Brotherhood Week provides each year an opportunity for people to rededicate themselves as individuals to the basic ideals of respect for persons and human rights, to dramatize the practical things which people can do to promote an understanding and realization of these ideals, and to enlist the support of greater numbers of people in the year-round activities to build brotherhood.

New impetus

The rise of various forms of dictatorship such as Nazism, Fascism, and Communism gave new impetus to the program of the National Conference which stresses the dignity and worth of the individual, strives for good relations among all groups comprising the nation, and seeks to fulfill the American dream of liberty and justice for all citizens. During World War II the organization joined wholeheartedly in the campaign for national unity and sent out hundreds of teams to help in achieving this goal. N.C.C.J. trios were sent to

hundreds of Army camps and military installations from Attu to the Canal Zone.

Following the war, the N.C.C.J. used some of its resources and personnel to widen the movement for better intergroup relations in areas of need outside the United States. In 1946 it placed trained staff at the disposal of military government in Germany to inaugurate Councils of Christians and Jews in major cities of that country. In 1947 N.C.C.J. was instrumental in fostering the creation of the Canadian Council of Christians and Jews. In 1950 its leadership joined at a meeting in Paris with 150 representatives of 15 free nations of Europe and North America in organizing World Brotherhood, which now exists as a separate and legally distinct corporate body for carrying on a similar program in other parts of the world.

The historical realities of a culturally pluralistic society with its attendant intergroup problems present a tremendous challenge to all religious educators and to all citizens concerned with justice and democracy. To effect real change toward the stated objectives of N.C.C.J. is a difficult task in a huge and complex society. One effective and economical way to accomplish this, and the basic rationale for N.C.C.J.'s program efforts, was the decision to program with and through existing institutions of society which have an important influence on social change. Recognizing that man has always sought to educate the young, has aspired to the highest values religiously, has used his leisure time for individual recreation and social re-creation, has had to earn a living, and has found it necessary to communicate with others, N.C.C.J. took functional advantage of these

"trunk-line" institutions by organizing national commissions of outstanding lay leaders and their regional counterparts along these lines. A permanent national commission of leading American educators was created in 1939 as the Commission on Educational Organizations. N.C.C.J. thereby became a pioneer organization in the new field of intergroup education. The Commission on Religious Organizations was established in 1942 to secure additional leadership and impetus in a key area of N.C.C.J. programs. In 1946 the Commission on Community Organizations was created to enlist the hundreds of voluntarily-joined civic, social, and fraternal organizations in America. In 1948 the Commission on Labor-Management Organizations was organized and in 1951 the Commission on Mass Communications. To apply the resources of the various Commissions in an integrated fashion to major problem areas, such as racial integration, several inter-Commission Committees were subsequently developed.

Textbook project

Thus, working with and through schools and universities, and in co-operation with the American Council on Education, N.C.C.J. initiated and underwrote three major projects in intergroup education. First was a study of prejudice in textbooks, conducted by Howard E. Wilson and a staff of nine experienced teachers and research workers. This three-year study, from 1944 to 1947, was reported in the volume *Intergroup Relations in Teaching Materials* (1948). Beginning in 1945, Lloyd Allan Cook and his staff began four years of field study with twenty-four selected colleges for teacher edu-

cation. The work of this project is reported in two volumes *College Programs in Intergroup Relations* (1950) and *Intergroup Relations in Teacher Education* (1951). Simultaneously, the American Council on Education, with N.C.C.J.'s financial support, initiated the three-year (1945-1948) Project in Intergroup Education in Cooperating Schools, under the direction of Hilda Taba. A separate project, in a sense a continuation of the first, was financed and sponsored by the N.C.C.J. in 1951. The Cooperating Schools Project conducted more than 250 studies in 72 schools and community groups involving approximately 2,500 teachers, school administrators, and community leaders. This Project produced nine volumes in the field of intergroup education, the summary report being entitled *Intergroup Education in Public Schools* (1952).

In 1944 the National Conference convened a group of leading educators and religious leaders at Princeton to discuss the relation of religion to public education. Following this conference, and with an initial grant of funds from N.C.C.J., the American Council on Education created its important Committee on Religion and Education. This committee has issued three influential reports, *The Relation of Religion to Public Education* (1947), *The Function of the Public Schools in Dealing with Religion* (1953), and *The Study of Religion in Public Schools* (1958).

As a continuing activity in teacher education, the N.C.C.J. co-operates each summer with approximately 45 colleges and universities in offering workshops in human relations. Over 1,250 teachers and school administrators attend these workshops annually, ap-

proximately 50 per cent receiving scholarships from the regional offices of the National Conference. Developing human relations is a major program effort of the Commission on Educational Organizations. The workshops have done much to bring knowledge, sound motivation, and skills to educational leaders who face challenges involving intergroup relations in their own schools and communities. Augmenting this work, the Commission has published and made available at moderate cost a variety of educational materials, notably the Intergroup Education Pamphlet series which at present comprises ten booklets.

Diversity of ideals

The United States, a country of religious and cultural diversity, is likely to remain so in the foreseeable future. How to learn to live with difference and how to create constructive working relationships between members of our varying religious groups is a task as difficult as it is important. It is not to be expected nor is it necessary that we agree on such issues as religion and public education, religious censorship, temperance legislation, birth control legislation, Sunday closing laws, problems of adoption, the posting of religious symbols on public property, the observance of religious holidays and festivals, and the cluster of problems involved in church-state relationships. It is basic, however, to a free society that we keep lines of communication open in friendly and frank exchange of ideas and viewpoints. If, as a result, the best we can achieve is to agree to disagree agreeably, this is still a positive gain.

To support this process of dia-

logue—another way of saying communication around important subjects—the Commission on Religious Organizations has several national committees at work attempting to set standards, provide clarification, stimulate research, and create and distribute needed materials. It encourages through local N.C.C.J. offices involvement of clergy and laymen in dialogue groups meeting on a regularly scheduled basis. A unique function of the National Conference is its role as a conferring agency in which it takes no organizational position on controversial issues but does provide a context for ameliorative discussion.

The dialogue

In assisting churches and synagogues in their work for the brotherhood of man under the fatherhood of God, N.C.C.J. has recently begun to extend its workshop program to involve clergy and seminarians at selected university divinity schools and seminaries. The members of its Campus Interreligious Committee became the leadership nucleus of the first National Consultative Conference on Religion and the State University held at the University of Michigan in 1958. Publications in the area of religion and education and religious liberty do much to open up all facets of key issues, call attention to narrow bias and provincialisms, and analyze problems in the interests of ameliorative discussion and study. Confrontation of certain civic problems such as the current difficulties in the area of integration often provide an opportunity for Catholics, Protestants, Eastern Orthodox and Jews to work together in applying common religious sanctions. The by-product inevitably is increased understanding and

respect for the unique contribution of others across religious lines.

It is generally recognized that there are at least two distinct approaches to building brotherhood in our type of society. One road which may be followed is that of direct social action and law. The legislative program, the picket line, the propaganda barrage, the law suit, have their place and certainly have accounted for much social advance. Yet it is also true that attitudes cannot be legislated nor compelled. A second road is available as well, the educational process, specified above in some of its aspects. The approach N.C.C.J. has chosen, the educational approach, recognizes the validity and importance of direct social action. Education for better human relations may be defined to mean the patient, quiet, constructive effort to get people to see the desirability of social change in line with stated objectives. Education in this sense is not dramatic fire fighting; it is, rather, the more fundamental task of fire prevention. By no means, however, is this a passive process, for it involves activity of the mind and heart which tends to close the gap between what we profess and what we do, between the ideals of our Judaeo-Christian heritage and the practices of a secularistic world. Such an educational program must be based on research, receive its dynamism from religious values, make use of educational techniques and philosophic insights and profit from advances in social analysis and psychological findings.

Some of this research in recent years has indicated that sustained educational programs can have four main effects: 1. supply accurate information to replace misinformation, myths, and stereotypes that distort intercultural

perceptions and understanding; 2. develop the capacity to feel with people whose cultural backgrounds are different from one's own; 3. develop the personal and social skills required to make one's knowledge and sensitivity in intercultural relations functional; 4. acquire ways of thinking about intercultural relations that lead to the formation of rational and ethical generalizations and forestall stereotype and cynicism. The concept of cultural pluralism, especially in its interreligious aspects, requires additional study. The field of endeavor remains hampered by a paucity of empirically validated research in the area of interreligious group relationships, especially when contrasted with such other areas as research in interracial relations.

The causes of group prejudice are many and vary with individuals. It follows, therefore, that the methods of combatting such prejudice must be similarly multiple for an organization conducting programs designed for the broad purpose stated in its bylaws. For example, exhortation and appeals to conscience may be powerful means to lessen prejudice in a given case. But in others, these methods may be inadequate. Nor is the imparting of information enough, any more than is mere contact between persons and groups. N.C.C.J. programming cannot be limited, it has been found, to the descriptive and the factual. Imaginative, creative methods must be encouraged, the so-called "social inventions" in programming—e.g., sociodrama, role playing, projective educational methods, discussion techniques—with due regard to the strength and limitations of such methods. In general, it has been found best in programming to focus first on areas of agreement and then, as the

group matures, to move into more emotionally charged areas of disagreement.

In conducting its programs N.C.C.J. has learned that prejudice towards religious, racial, nationality, or other groups must be seen in a total community context and in relation to the realities of the individual himself. A multiple approach to the intergroup situation in the community via all the important opinion-making and opinion-influencing forces is desirable. Teachers, for example, cannot be expected to work at this task alone. Religious leaders, community organization leaders, leaders in mass media, labor and industrial leaders, all have their share of the responsibility. This is a basic methodological assumption of N.C.C.J. programming.

The task ahead

The task is one of renewed dedication not only to love of God but also to love of neighbor. The present unhappy state of human relationships in our modern society can be effectively and permanently influenced only by those who are prepared and willing to co-operate in its organization and institutions. To those religiously motivated men of good will who believe that spiritual values may be detached from the relatively unimportant things of time, it may be suggested that we need to work at making a good world for bad men just as much as making good men for a bad world. The values of order, of charity, and of love, all too often exiled from the area of intergroup relations by those whose nervous anxiety prevents them from making any value judgments at all, must come back into their own once again.

WHEN COLIN CLARK, the Oxford economist, contributed to the published symposium of the Committee for Economic Development on the "most important economic problem to be faced by the United States in the next twenty years," he was well aware that most of the 48 participants would raise the questions of foreign assistance, inflation, growth, and the role of the government. With a few other contributors, however, Clark focused on the domestic problem of area development. He stayed with this minority in discussing general growth problems of the metropolitan areas, but was alone in saying that "the most serious (problem) will be that of *location*, the distribution of industry and population between regions in the United States. . . ."¹

With reference to the whole question of just what does determine the decision to locate, Clark says, "This is just the point where so much more economic research is needed (most of the work on regional economics now going on in the United States is unfortunately ultra-theoretical)."² Regardless of their willingness to agree on the priority Clark assigns to the problem, few would quarrel with his call for more empirical work in regional economics. The current study of the New York Metropolitan Area (22 counties) by the Harvard Graduate School of Public Administration is attracting attention to the need and will furnish regional economists with a nine-volume launching pad for similar surveys in other areas.

For the past decade, state and smaller communities throughout the country

¹ Committee for Economic Development, *Problems of United States Economic Development* (New York: C.E.D., 1958) I, p. 289.

² *Ibid.*, p. 291.

One of the

Decision

have been locked in a competitive battle for new industry. Chambers and departments of commerce, public utilities, industrial realtors, railroads, some 13,000 development organizations are spending millions each year in a nervous effort to bring new enterprises into the "little economies." But few of them know what really pulls an industry into a new location.

An American business magazine recently advertised an 800-acre tract near "expanding markets," in a "friendly community" with "abundant labor and power supply; gentle climate; relaxed living conditions; close to recreational facilities of all kinds." Climate extremes aside, this description would apply to most regions of the United States and, for that matter, even to regions outside the country. Concurrently, another advertisement, published in a British journal, tried to lure the entrepreneurial eye to County Durham where "labor is available, transport facilities are excellent, the essential services are plentiful and cheap, while the amenities are second to none."

A fair sampling of the voluminous literature intended to promote industrial location would easily lead one to conclude that almost anything is available almost anywhere. The forces that

SOCIAL ORDER

nation's oldest economic problems

To Relocate

WILLIAM J. BYRON, S.J.

determine the decision to locate are not at all clear. The influence of advertising on this decision is even less obvious and certainly open to question. This would lead to another conclusion, in harmony with Colin Clark, but in the words of Pennsylvania's Secretary of Commerce, William R. Davlin, that promotion in the industrial development field must become "more a matter of surveys, research, engineering and economic data, and less and less a matter of colorful brochures and self-canceling adjectives."⁸

The Clark and Davlin comments stake out a challenging area of cooperation between economists and industrial developers. Accurate data on factors of significant influence in industrial location must be gathered by the economists and interpreted with reference to the characteristic locational needs of specific industries. These locational needs must likewise be related to the objective advantages of specific regions. In other words, the Clarks must supply dependable data to the Davlins. This is not easy. First, the present status of location factors relevant to any area or industry must be examined.

Then, because a site selection normally involves a long term commitment, future trends in workforce and resources must be lined up against predictable developments in technology and markets.

The task facing the Clarks then, is to provide a statistical description of location factors proper to the areas to be developed or rehabilitated by the Davlins. Such a descriptive report would underscore an area's favorable competitive position but it must be a completely accurate appraisal of the area's true locational advantages and a frank admission of its liabilities. The report would also list the size and type of industry which might profitably locate in the region. Already it becomes clear that the Clarks must enlist the aid of tax analysts, land-use specialists, engineers and other experts from related fields.

Once the report is in, the Davlins will go to work. If they are wise, they will let objective facts constitute the essence of any persuasive effort to attract new industries. Then the stage will be set for unlimited competition among industrial developers on the basis of ability to discover and approach the specific industries which would find it

⁸ Speech delivered at the meeting of the Board of Trustees of the Committee for Economic Development, New York City, May 29, 1958; reprinted in *The "Little" Economies* (New York: C.E.D., 1958), p. 40.

The author made an intensive study of manufacturers' entry into the Scranton, Pa. area.

advantageous to locate in a particular area. Several presuppositions are involved here and should be mentioned. First, the frantic fight for new industry is a *de facto* admission that our society considers it more expedient to move jobs to people rather than people to jobs. Second, industrial migration reflects a high degree of locational flexibility in medium and light industry. Finally, various types of locational payola evidenced in tax immunity and anti-union legislation are a certain tip-off that serious locational disadvantages are being compensated for by measures whose long-run validity is questionable.

Site shopping

Plant location is not a mail-order proposition. Professional "buyers" do most of the site shopping. They are not impressed by slick promotional literature. The town or region that can sell itself in a professional way stands a good chance of attracting payrolls. This is not an argument for industrial realtors; it is a simple appeal for competent use of verifiable facts which influence the decision to locate.

The developer's competitive kit will be incomplete if he cannot explain and empirically verify the reasons why specific firms have specific plants in specific regions. Neither "ultra-theoretical" knowledge nor a vocabulary of "self-canceling" adjectives can muster authority to match the declared opinions of regional businessmen on labor costs, transport facilities and rates, taxes, and the many other considerations which influenced their decision to locate.

Discovery of such information, however, is not easy, for it involves a delicate analysis of economic and non-economic values. Kenneth Boulding described economic values as being "mu-

tually determined by the interaction of the innumerable forces of desire upon the innumerable resistances of scarcity." Various attempts have been made to enumerate the "innumerable" forces which are operative in plant location. Back in 1946 the U.S. Department of Commerce listed thirteen factors as "basic" in the evaluation of industrial plant locations. Eleven years later, Oswald Stewart's "Plant Selection Guide" listed more than 350 influential considerations.⁴ This is an accurate index of the increased interest in the problem over that decade, but does not necessarily reflect a marked improvement in our knowledge of what effectively pulls or pushes the site seekers.

As for the influential non-economic values, two cases within this writer's experience suggest the impossibility of adequate classification. One plant elected to live with an uneasy labor situation simply because the owner was reluctant to move away from his favorite golf course. Another location was strongly influenced by the desire of an executive's wife to return to the region of her birth. Although such highly personal and subjective considerations make scientific analysis difficult, there are still enough measurable economic considerations to give a meaningful picture of a region's industrial location pattern. Careful economic analysis of the existing situation will at least serve to stake out the range of feasible alternatives for the policy makers.

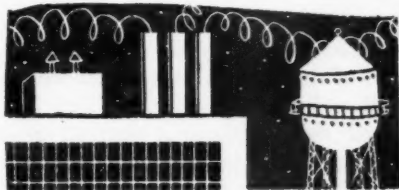
A study of the reasons why manufacturing establishments selected sites in the State of Colorado between 1948 and 1957 was made by the Bureau of Business Research at the University of

⁴ See *Factory Management and Maintenance*, CXV (May 1957), supplement following p. 180.

Colorado as a policy guide to groups within the state in forming a sound industrial expansion program.⁸ Each of the 253 respondents to the survey's questionnaire indicated to what extent thirty selected considerations influenced their decision to locate in Colorado. The degree of influence is measured in the questionnaire by the categories "strong," "some" or "none." An index of influence at the conclusion of the study ranks "availability of markets" as the strongest of thirty factors. To one familiar only with the glossy brochure type of plant site promotion it will be somewhat surprising to note that the tax factor, existence of research facilities and community financial subsidy were ranked among the least influential considerations. The study also revealed that most of the new locations (72.7 per cent) were newly organized businesses, seven out of every ten of these being started by Colorado residents with Colorado capital. Few relocated plants crossed state lines to find a Colorado site; 63.6 per cent of the relocations were movements within the state and most of these had been landlocked in the Denver area. Considering new businesses, branch plants and relocations, the survey estimates that 65 out of every 100 plants selecting Colorado sites were native to the state. The value of such information for Colorado developers is obvious.

The present writer made a similar study in the Scranton (Pa.) Metropolitan Area. This survey undertook an analysis of considerations which influenced the location of 21 manufacturing enterprises in the Scranton area

between 1946 and 1958. Evaluation of community effort as a factor in the location of industry was a principal aim. Central to this evaluation was the record of the Lackawanna Industrial Fund Enterprises (LIFE), a non-profit industrial development corporation initiated in 1950 by Scranton civic leaders and based on a revolving fund of unobligated money made available by financial contributions from the people and businesses of the Scranton Metropolitan Area (Lackawanna County).



In Scranton, the invitation to industry was based on two considerations important to the expanding, relocating or new enterprise. These were the availability of labor and the cost of new building. Low-cost, modern factory buildings were offered for sale or lease at moderate terms to prospective industries. If a tenant should decide to buy the plant, his rental payments would be applied against the purchase price. It was hoped that this would appeal to firms eager to expand but unwilling or unable to tie up their own capital in new construction. The labor market in Lackawanna County was characterized by a surplus of available semi-skilled and unskilled males. Wage rates in manufacturing were low.

A questionnaire designed to test the advertised advantages of Scranton against the reasons given for locating there by those who actually selected Scranton sites in the 1946-58 period yielded interesting results. Available

⁸ L. J. Crampon and Paul W. De Good, Jr., *Industrial Location Survey—Why Did You Come to Colorado?* University of Colorado, Boulder, 1957.

workers and 100 per cent financing on factory buildings were, as advertised, strongly influential in attracting industry. However, 81 per cent of the newcomers admitted that the unadvertised advantage of low wage rates made the Scranton area attractive to them. Transportation facilities were also influential in winning new locations. Of little significance were housing, living conditions, community appearance, industrial fuels, availability of materials.

Cost and availability

In contrast to the Colorado study, the Scranton survey showed an effective pull of only 57.2 percent for the market factor. Practically all the plants indicated that the greater part of their product is shipped to markets beyond the highly concentrated and widely advertised consumer market lying within a 300-mile radius of Scranton. This moderate influence of markets is even more curious in view of the fact that none of the new plants had a strong orientation toward production materials. The absence of a dominant influence by both markets and materials indicates the real strength of the labor cost and availability factors.

Thirteen of the 21 respondents were branch plants and all but one had home offices outside the State of Pennsylvania. Three out of the four relocated plants came from within the state. Three out of the four locations which were new business enterprises also came from within the state.

Information of this nature provides general but accurate leads to be followed up by the developer in search of new additions to the industrial family. Careful study of the empirical data will reveal certain relationships which should direct future policy. For example, it

was discovered that availability of warehouse facilities figured in the choice of 38 percent of the industrial newcomers to Scranton. This fact points to the possibility of employing industrial development funds for the construction of community warehouses to service small plants with cyclical inventories.

These few examples from two economic studies show that while it is difficult to assess the positive influence exercised by the various factors bearing on the decision to locate, it is not impossible since the enterprise is there to be studied. However, no one has yet devised a means of detecting all the "ones that got away," or for measuring the negative influence of a community's locational liabilities. This would be the one great discovery capable of exploding forever the myths that many promotional schemes and dreams are made of.

Cooperation needed

The whole problem of industrial location and the changing character of American industry demands continued analysis and reflection especially on the part of those whose day is spent in the highly competitive pursuit of industrial prospects. Unfortunately, the developers are often so distracted by their own "hard sell" techniques and so taken in by their own hopeful hyperbole, that they do not see the need and much less the value of objective data from the demographers, statisticians and economists. Yet the zeal of the developers will be misdirected unless it follows the conclusions of the specialists. A little communication between the two will mean a real setback for inefficiency which, if not the nation's most critical economic problem, is certainly one of its oldest.

FORCE, YES, VIOLENCE, NO

WILLIAM V. O'BRIEN •

Professor O'Brien is Chairman of the Institute of World Polity at Georgetown University.

FORCE IS NEEDED in our world community. There will be neither peace nor law and order without force used morally on behalf of justice. From this premise former Atomic Energy Commissioner Thomas E. Murray builds his case for a realistic nuclear arms policy in an unusually well-written book¹ which summarizes and expands the views which he has presented so forcibly over the past few years.

In common with many contemporary writers, men such as Walter Lippmann, Raymond Aron, Father John Courtney Murray, S.J. and Henry Kissinger, Mr. Murray is troubled by our unrealistic approach to the problem of recourse to force in international relations. He too finds that we alternate between pacifism and "belligerism" with disastrous results for our security on the one hand and world peace on the other. From our total war practices of World War II we have progressed through the strategy of Hiroshima to the doctrine of thermonuclear massive retaliation which, says Murray, "appears to be nothing short of barbarian in its ultimate implications" when it is "measured against the traditional Western Christian moral concept of war."

Murray has no doubt that a proper nuclear policy for war lies in the direction of this "Christian moral concept of war" and not in total nuclear dis-

armament. We are overly inclined to the extreme alternative of total disarmament, just as we are to the opposite extreme alternative of massive retaliation. Behind this tendency lurks a "guilt complex" about use of *any* kind of force and particularly about any use of nuclear weapons. In our emotional reaction to nuclear problems we have abandoned reason and "forgotten" the "equation" between morality and security. We must return to the Christian tradition of war for we live in a world where aggressive force threatens and, therefore, in a world where force is required to defend justice. But that needed force must not take the form of unlimited hydrogen warfare. It must conform to the Christian tradition of war wherein military necessity and justice are reconciled through the rule of "minimal means." This minimal, "discriminating" kind of force must be distinguished from unfettered "violence" which is never permissible, no matter what the stakes. Murray says:

As we attempt to define the public purpose of America in the field of disarmament, the basis of definition must be the essential distinction between violence and force. This is a political distinction based on a moral premise. By violence I mean the use of military power in such an extensive, indiscriminating, or even unlimited, measure and manner that it becomes useless for the rational purposes of politics, which are always limited. By force I mean the use of power in such a proportionate measure and in such a dis-

¹ **NUCLEAR POLICY FOR WAR AND PEACE**, World Publishing Company, New York, 1960, 241 p. \$4.

criminating manner as to constitute an apt means for the achievement of legitimate political goals.

In other words, Commissioner Murray sees quite clearly the basic distinction underlying the international law of war, the distinction between legitimate military necessity and raw, uncontrolled military utility.

Writing with the knowledge acquired in his years with the Atomic Energy Commission and as a consultant to the Joint Congressional Committee on Atomic Energy, Murray states flatly that this basic distinction between force and violence has been and continues to be ignored in our armament—and disarmament—policies. Our thermonuclear weapons are capable of producing violence, not controlled force. Hence, we are actually weaker politically because of our reliance on these weapons. What is needed are weapons which are capable of discriminating use in situations where rational recourse to force is necessary. Unfortunately, our reaction to this problem has been confused by the widespread impression that all "nuclear weapons" are by their nature "undiscriminating."

This attitude results from the misconception that "nuclear weapons" are encompassed in one "unified concept." This is not true. Even a 20-kiloton bomb such as that dropped at Hiroshima does not produce the widespread, permanent radioactive contamination which characterizes megaton hydrogen bombs and which constitutes the greatest danger to mankind. But atomic kiloton bombs may be as small as one kiloton. Such "tactical" nuclear weapons are eminently suitable for the legitimate requirements of warfare. Small kiloton weapons and multi-megaton weapons are entirely different as regards the crucial factor of permanent, long-

range fall-out. It is therefore ridiculous to lump all nuclear weapons together when we make military, political and moral judgments about them. Yet this is exactly what has been done by most of our nuclear decision-makers as well as a good part of the general public.

This is one of the points that Murray has in mind when he says:

Zeal for atomic causes has not by any means been scarce. But the zeal has often turned out to be founded upon misinformation. Consequently, men's responses to the problems posed by atomic energy have often proved . . . irrational; . . . the first prerequisite to the development of policy solutions to the nuclear dilemma is an understanding of the nuclear facts of life—and death.

In our zeal to avoid the horrors of all-out hydrogen warfare we have missed both the distinction between force and violence and the distinction between kiloton and megaton nuclear weapons. At the same time we have permitted policy to fall slave to military technology. "Nuclear energy has to a certain extent developed according to a dialectic of its own . . . In a fit of absent-mindedness, as it were, we have allowed military technology to shape our strategic policy instead of shaping the technology to fit a rationally conceived strategic policy." This is all reflected in our adoption of the militarily and morally bankrupt doctrine of massive retaliation. But our subsequent doubts about megaton weapons and their effects, even in peacetime tests, have driven us into mutually contradictory policies.

In the early years of President Eisenhower's first term we developed the massive retaliation doctrine and resolutely resisted demands for cessation of megaton bomb tests on the ground that we had inadequate assurances that a moratorium on testing could be en-

forced. Murray feels that the United States was wrong in both of these policies. It was wrong to place our entire reliance on strategic hydrogen bombing and wrong to continue to test such devices at great risk to potential victims of radioactive fall-out all over the world.

Then, in a spate of revulsion against these policies and in an effort to win over a hostile world opinion, we went to the other extreme and stopped all nuclear testing. Murray insists that this was an unnecessarily sweeping gesture which has not in fact won us any proportionate political advantage. We have denied ourselves the possibility of developing small nuclear weapons needed for limited war. As a result, our alternatives are reduced to suicidal hydrogen war, defense with obviously inadequate conventional forces, or surrender. At the same time we must assume that the Soviets are developing a limited war capability. Our unnecessary self-limitation as regards much needed testing of tactical nuclear weapons has probably put us behind in an area where we ought to be strongest.

Murray repeats over and over that *we do not now have an adequate capability for limited nuclear war* and that our prospects for the immediate future are dim. Yet this capability is, for Mr. Murray, a "strategic imperative." He points out, for example, that NATO is really defended by the threat of massive retaliation, not by limited war forces, either nuclear or conventional, sufficient to their task.

Naturally the crucial objection to Murray's thesis, as to any limited nuclear war approach, is that which denies the possibility of keeping a limited nu-

clear war from developing into an unlimited one. Murray says:

There is, of course, always the possibility of an extension to all-out war. One would be foolish to deny it. But to insist that hostilities which began as limited in scope would inevitably set off a chain reaction culminating in all-out nuclear war is to admit that man cannot control his own actions and choices. If we make such an assumption, then we may as well suspend all efforts to carry on intelligent policy deliberation. Of this I am sure: under our present strategic policies, it is virtually impossible for us to become directly embroiled in substantial military hostilities with the Soviet Union without immediately triggering a total thermonuclear holocaust. An alternative strategic policy would, in my estimation, vastly improve our chance of keeping a future war less than total.

Later, Murray lists this objection among the most common misapprehensions about nuclear policy. He states:

The third misapprehension current among the public is the unquestioned assumption that the first time nuclear weapons, no matter how small, are introduced into warfare, however discriminately, all-out nuclear war will thereby inevitably be sparked. In other words, as soon as we resort to atomic weapons of any sort, we step onto an escalator that leads immediately all the way up to the top. I am quite unwilling to concede that under the impact of a decade and a half of propaganda, the world has become extremely jumpy at the thought of atomic weapons. This fact, however, is no warrant for concluding that the leaders of the nuclear powers are going to go berserk the first time tactical atomic weapons are used on military targets. We are often prone to assume, rather fatalistically, that once we make a certain policy decision, all the possible consequences of that decision will be realized automatically and immediately, as though neither we nor the other party will be able to exercise the slightest control over our actions any longer. I cannot say with certainty that the initial use of atomic weapons will not lead to all-out war. Neither can anyone say with

certainty that it will. The more I think about the problem, however, the more I am inclined to conclude that such a contingency will not occur.

Following the exposition of his concept of the role of limited nuclear force, Commissioner Murray devotes two chapters to a critical analysis of recent nuclear disarmament attempts. These views from an expert who was not, however, brought into the Administration's inner counsels on disarmament, make interesting reading. Murray naturally finds that our policies have been too rigid and absolute with unfortunate results insofar as tactical nuclear weapons are concerned. Flexibility is required to permit us to develop small nuclear weapons while eliminating large hydrogen weapons. Murray would test and develop a "third generation" of small, "discriminating" nuclear weapons which would be more than adequate for legitimate military needs. As to megaton weapons, he proposes that:

... an international agency be constituted on neutral territory and empowered to supervise the systematic destruction of the megaton weapons in the American and Soviet stockpiles. The destruction would be carried out on a matching basis, weapon for equal weapon . . . The content of highly enriched fissionable material would be placed at the disposal of an appropriate international authority for peaceful atomic uses.

Turning to the peaceful use of nuclear energy, Murray laments the fact that the United States has not grasped world leadership as it did in the realm of military use of nuclear power. One of the reasons for this is our preoccupation with the issue of Public vs. Private Power. Murray thinks that this is a false issue; the only question should be, "What needs to be done to develop peaceful use of atomic energy and who is best able to do it?" Another reason

for our failures has been our lack of knowledge about all aspects of nuclear matters. This is the result of our worship of secrecy to the point where it becomes an end in itself. Finally, our development of nuclear energy for peaceful as well as for military purposes has suffered from our inability to solve the problem of democratic control of the atom. We are off to a bad start in our efforts to answer the question: "how . . . reconcile unlimited physical power with limited political processes?" In the main, Murray would sacrifice secrecy (which diminishes in importance as nuclear technology develops) to a much greater extent in order that the public—and even high government officials—might have a more adequate knowledge of the facts underlying nuclear policy decisions.

During the period of Commissioner Murray's active participation in United States nuclear policy-making, the American people were, by and large, uninformed or misinformed on nuclear matters. There was a good deal of popular apathy. Decisions on disarmament, testing, and defense preparations were made in a virtual policy vacuum. It would seem that events in the world are bringing an end to this era of public ignorance and apathy. Nuclear policy issues are thrust daily into the rough and tumble of international and domestic politics. Dramatic direct appeals are made by statesmen to the peoples of the world, urging this or that nuclear policy. Whatever he may ultimately feel about the arguments advanced in Mr. Murray's book, the citizen who is aware of the need to inform himself on the issues of nuclear policy for war and peace could hardly do better than to begin his efforts at self-education with this book.

Books



ECONOMICS AND THE ART OF CONTROVERSY. By John Kenneth Galbraith. Vintage Books, New York. 103 pp. \$6.50

Professor Galbraith, widely read for his "American Capitalism", "The Great Crash, 1929" and the "Affluent Society", now enters the lists with a lighter offering. In fact, gentle irony and salty dashes of humor keep the reader a little off balance. Setting out to explore the antics of debaters on economic topics, the author chooses to treat labor, farm policy, fiscal policy and the welfare state. In each instance the aim is not to add to the total fund of factual information but to mull over the known matter with a simple common-sense touch and an application of the rules of evidence. The result is provocative and educational, looking toward the goal of wisdom.

Galbraith points out, for example, that once there was a controversy over the right of unions to exist. Many people still talk as if this were still the point at issue. Now, however, the right of the union to exist is established and actually accepted. The issue concerns the means of settling wages, hours, and working conditions between unions and managements. On the farm question, both political parties grant the need for aid to the farmers. The issue turns on the means and methods. On fiscal policy, both major parties accept the need for a positive program of fiscal policy. They argue methods and means. And timing. With regard to the Welfare State, the label was coined to disparage the works of the New Deal and the Fair Deal. When taken apart and viewed piece by piece, the constituent elements of the so-called Welfare State are accepted by all except Displaced Politicians.

It would seem that the learned Professor, cut short on so many TV shows, is here having his say. He repeatedly strikes blows for the liberal Democrats and the liberal Republicans and pokes fun at the Southern Democrats and the right-wing Republicans. Obtrusive as all get-out is the partisan

nature of the work. On the back cover one reads:

From Adlai Stevenson

To John Kenneth Galbraith:

"The communique on the state of the economy is enchanting. If only I could have learned economics from you!"

Be this as it may, the reader is promised a rich and rewarding experience in reviewing the comments of the learned Professor on the issues treated.

RAYMOND F. X. CAHILL, S.J.
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PRESCRIPTION FOR PARTNERSHIP, A Study of Industrial Relations. By William Wallace. Sir Isaac Pitman, Ltd., London. 228 pp. 25 s.

Industrial relations books dealing with cooperation rather than conflict between employers and employees are all too few and far between. William Wallace is well qualified to write such a book. During the greater part of his life he has been associated with one of the outstanding successful attempts at industrial partnership in England. In addition, he has served as Chairman of the English Industrial Co-Partnership Association in which position he has carried on arguments and discussions on many different aspects of industrial partnership, profit sharing and cooperation.

The book is organized into three sections:

1. Statistical Investigation of Profit Sharing and Co-Partnership.
2. Rowntree Employment Conditions.
3. Is Partnership the Key?

This division renders the book especially useful to both businessman and student because it treats with general factual experience in one section, specific application in another, and general conclusions in the remaining part.

Mr. Wallace does a thorough statistical analysis on data which he had gathered for

the Rowntree organization in 1920 on the practice of profit sharing in the United Kingdom. He also reviews a number of other studies of profit sharing which have been made in England and the United States since that time. These latter studies tend to bear out a fact that he had uncovered in his earlier analysis; that the statistics on plan discontinuances have been subject to superficial analysis and unjustified conclusions have been drawn from them as regards plan "failures."

The author presents a very accurate general picture of profit sharing in the U. S. There are, however, several points in this complex area where he somehow obtained a few erroneous impressions. One of these is that many deferred plans have no predetermined formulas. This is not the case, since no more than a handful would fall in this category. Another impression which could be questioned is his opinion regarding the partnership potential of deferred plans as contrasted to cash plans; we do not have sufficient experience to arrive at objective conclusions on the point. What we do know would tend to lead us to question the superiority of cash over deferred on a long-term basis.

The description of the Rowntree experiment is presented by one who has been engaged in it during a lifetime. Problems are clearly seen; solutions that were arrived at are described. The philosophy underlying the experiment is stated in a forthright manner, the results speaking for themselves. The section dealing with the trade unions is especially enlightening because this demonstrates the results which were achieved by a forthright approach which could well be followed by others.

The final section, "Is Partnership the Key?", is much more difficult for Mr. Wallace to deal with, for in it he attempts to set down some ideas and personal conclusions he has come to over a lifetime of industrial experiences and a study of economics and statistics. The author does not offer us any over-all theories of economics or industrial relations into which we could fit his bits and pieces of very valuable observations.

Strong points are made in this part of the book. He often quotes from business leaders and from labor union leaders showing an unusual perception of the problem

we face in substituting systems of cooperation for systems of conflict in our industrial world. His arguments with the economists are good ones and strike at the very weakest spot in their theoretical structures: "What should weigh with economists is that consideration of the whole man (not the abstract conception of the 'economic man') strongly suggests that if we are to enlist his full 'economic dynamism' we must give him a sense of belonging and satisfy his sense of justice. The evidence suggests that profit sharing can be a major instrument to that end. That is its real and full economic justification."

Although Mr. Wallace has not come up with either a new economic or an industrial relations theory which would incorporate the principles of partnership, he has given us much food for thought which can move us in that direction when the proper time comes. His clear understanding of what is involved in partnership from the practical point of view, plus his grasp of some of its theoretical underpinnings, make this book a valuable addition to the literature on industrial cooperation which we so urgently need in our society today.

J. J. JEHRING, Director
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Evanston, Ill.

THE POLITICAL REASON OF EDMUND BURKE. By Francis Canavan, S.J. Duke University Press, Durham, N. C., xvi, 222 pp. \$5

The thesis of Father Canavan's cogent philosophical essay is that Burke was an exemplar of political reason and not a utilitarian, or an empiricist, or a traditionalist. When he bracketed utility with equity in the twin foundations of law he meant policy directed rationally, prudently, expeditiously, accurately, towards securing the common good in a concrete set of circumstances. When he consulted experience he did not look for rules of conduct but for general wisdom about human nature and civil society. He discerned, to be sure, the work of Providence in history, but he was not bowed down in worship before the idol of tradition; nor did he revere the old and long-established merely because it was such. He saw an objective moral order in society, an order expressive of the natural moral law willed by God for the good of his

creatures, an order made manifest in various civil constructions formed by men with the aid of Providence. Only within these and according to the objective moral order could political reason work for the common good, for political reason is another name for prudence regulating the search for justice.

Burke's mind operated in politics within a frame of reference that presupposed Divine Providence and the existence of an anterior metaphysical order, but about the latter he has little or no curiosity. He was neither a theologian nor a metaphysician, but a moralist and philosophical politician without taste or aptitude for metaphysical speculation. He accepted the Christian religion from ancestral authority and believed that its credibility was strengthened by its answering to the permanent necessities of human nature, on which, instead of metaphysical truth, he grounded his moral and political thought. Father Canavan states that Burke's lack of concern with stating, criticising, and defending the metaphysical presuppositions of his moral and political theory must therefore "be recognized as a weakness in his thought." Doubtless this statement is true, but then Burke was not a professor of philosophy and I do not believe Father Canavan means that he would have been a better political thinker if he had been also a metaphysician.

The general thesis here is not new, but the thought elucidation of it in the language of philosophy is the first thing of its kind. The book belongs on the shelf with Peter Stanlis's *Edmund Burke and the Natural Law* and Charles Parkin's *The Moral Basis of Burke's Political Thought*. All three are fresh and exhaustive probings of different depths in that great man's intellectual constitution. All prove that what appeared to positivist and utilitarian writers on Burke as rhetorical extravagance was in reality basic and essential. All elucidate the most fundamental characteristics of his thought. All vindicate him against the claims of the utilitarians, empiricists, and traditionalists. The only adverse criticism that may lie fairly against Father Canavan's book is that it does not adequately recognize the work of scholars who preceded him in effecting this vindication.

ROSS J. S. HOFFMAN
Fordham University

THE SEARCH FOR VALUES. By Russell Coleburt. Sheed & Ward, New York, 135 pp. \$3

WORK AND EDUCATION. By John W. Donohue, S.J. Loyola University Press, Chicago, xi, 238 pp. \$4

THE HUMAN PERSON AND THE WORLD OF VALUES. A Tribute to Dietrich von Hildebrand by His Friends in Philosophy. Edited by Balduin V. Schwarz. Fordham University Press, New York, xiii, 210 pp. \$5

The universalism and catholicity of contemporary Catholic thought are well illustrated by the somewhat accidental juxtaposition of these three books. All three are concerned with the broad theme of values, cultural, moral and religious, in today's world. All represent serious efforts to broaden the scope of Christian philosophic thinking by a journey beyond the realm of Thomism. In various degrees, all three books underline the fact that scholarship in the Church is not the monolithic, dogmatic, oversystematized thing that is often projected as the image of Catholic philosophy.

Russell Coleburt's work is popular in tone and style, very British in its disdain for complicated philosophical techniques and in its concern for the problem of "is—ought" statements. The second book is a revision of a dissertation done at Yale by Father Donohue. Quite American in its seriousness, this study formally compares Deweyism and Marxism with Thomism. In the third book, we find essays by 11 writers, many of whom typify recent trends in continental European thinking. A *Festschrift* for Dietrich von Hildebrand, its heterogeneous character shows the scope of his personal associations and interests. Hildebrand has never been close to Thomism; he is an Augustinian with overtones of existentialism and axiology. It is quite a feat to combine papers by Maritain, Bruno de Solages, Gabriel Marcel, Sciacca and Henri de Lubac with an essay on transformation in Christ by the Swiss Ambassador to London (Cuttat) but this book does it.

Throughout his essays, Coleburt argues that moral values are not to be found by philosophical analysis, nor by simplistic intuition, but by "the full and genuine response of the whole person to the problems and aspirations that come before us as we live." This thesis is not inappropriate to a man who coaches tennis at Stonyhurst, in addition to teaching there. Coleburt's argu-

ment uses lengthy quotations from novels and plays: Osborne's *Look Back in Anger*, Beckett's *Waiting for Godot*, and Eliot's *Cocktail Party*. It turns out that Beckett's odd characters are really waiting for values. The general reader who is familiar with recent British literature may find these essays stimulating; they are marked by a strong quality of religious sincerity. They do not convey to the non-British reader what the great values are; at one point (p. 96), Coleburt comes out rather strongly in favor of freedom, however.

After a chapter on Marxism and its philosophy of labor in relation to education and another on John Dewey's views on the subject, Father Donohue gets down to business. He is really interested in a philosophy of work that has its roots in the humanism of the late Irving Babbitt and the great-books-ism of Hutchins and Adler. Besides the theme of educating the whole man (with which Coleburt would agree), there is in Donohue's approach an emphasis on the need to train people for their work and *through* their work. He does not deny that there is a sort of neo-classical distinction between those who work with their hands and those whose labor is mental but he insists that all proper work has a spiritual, cultural and educative value. This book is not a study of the labor movement, trade unionism, or anything like that. It is a serious effort to make something more of work than the crude function of earning one's bread by the sweat of one's brow.

In her paper in the Schwarz-edited volume, Alice Jourdain tells a good deal about the early life of Hildebrand who is now seventy. Like Marcel, with whom he is compared throughout the essay, Hildebrand was the product of a cultured but non-Catholic home. It was phenomenology, not Thomism, that he learned in his formative years. Converted at the age of 24, he eventually became a spokesman for a type of Christian philosophy in which the intellect has a place but the heart a higher and better one.

Besides the well-known contributors to this anniversary volume who have been mentioned above, five other writers are represented: John V. Walsh, Aurel Kolnai, Robert W. Gleason, S.J., Miss Jourdain and the editor. There is no common theme in the book, unless it be the broad notion that

Christianity and philosophy are mutually fruitful and productive of an enrichment of human values, wherever they meet. Maritain's brief paper, "About Christian Philosophy," seems to state this theme. Kolnai clearly faces up to the issue: how Thomism must one be in order to remain a Catholic philosopher? Marcel is not worried by this problem. He has always seemed a little more cheerful than the other existentialists; his essay emphasizes the "*gaudium essendi*"—a joy in the fact of existing. Yet he is an existentialist: he warns us that a shadow falls across this primordial joy, a formidable shadow due to our human condition. De Lubac's paper asks the question: "Can A Will Be Essentially Good?" and answers it in the negative. His argument is largely historical, ranging over many Christian thinkers, boiling down to the point that what is natural and essential to man as a creature is not complete and perfect in itself; "it is still God who gives the power of consenting to the good." Certainly this study indicates the need for more thorough investigation of the role of will in the life of the Christian. The whole volume will appeal to those who find the yoke of Thomism a heavy intellectual burden.

Value language has its place in contemporary philosophy and social thought; it is well that some Catholic writers know this terminology. Many people who will not talk about metaphysics and being will readily discuss values. Axiology is not strong on method, however, and it tends to leave ultimate questions unexamined. That the philosophy of values can serve as a substitute for a rigorous study of reality is hardly demonstrated by these works.

VERNON J. BOURKE
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REVOLVING DOOR: A Study of the Chronic Police Case Inebriate. By David J. Pittman and C. Wayne Gordon. Free Press, Glencoe, Ill., and Yale Center of Alcohol Studies, New Haven, 154 pp. \$4

The chronic police case inebriates—there are over a million arrests annually in the United States on the charge of drunkenness—are the men who are arrested, convicted, sentenced, jailed, and released, only to be rearrested shortly afterwards. For them the door of the jail is truly a revolving

door. Although present treatment is based on the assumption that incarceration acts as a deterrent, this is patently not true. What can be done?

On the basis of a thorough study of the chronic inebriates' backgrounds, it is recommended that the program of treatment take into account the realities of status and life circumstances that brought them to their present condition. In general, the chronic inebriate tends to be the product of a limited social environment and a man who never attained more than a minimum of integration in society. A program of treatment must consequently strike at his dependency needs and recognize his needs for human approval and self-respect.

Such a program would require a treatment center in which medical, physical, psychological and social rehabilitation could be offered. There should be a release procedure providing a system of parole planning in which each individual participates in a plan of recovery. For the excessively dependent person some type of "halfway" house is recommended so that the assumption of independent living can become a gradual process.

These recommendations present a real challenge to every major community in the country. Clearly, if we truly respect the dignity of every human person, our present revolving door policy must go. What community will be the first to make the start? Or must these needs continue to go unfulfilled merely because chronic inebriates are not organized?

JOHN L. THOMAS, S.J.

THE LIMITS OF FREEDOM. By David Fellman. Rutgers University Press, New Brunswick, N. J. 123 pp. \$2.75

Professor Fellman of the University of Wisconsin has distinguished himself in four volumes in the realm of civil rights by his objective, fact-laden description of some of the basic moral-legal dilemmas of our day. In this volume of three lectures given at the Tacoma College of Puget Sound the author explores "Religious Freedom in America," "The Right to Communicate" and "The Right to Talk Politics." Each essay contains a wealth of information followed by an all too brief statement of the author's personal credo.

Professor Fellman feels that "neither religious freedom nor the separation of church and state can possibly be absolute." But he feels that all forms of released and dismissed religious education are undesirable, that the census takers should not inquire about religion and that the law should not permit "exceptions to swallow up the rule" of "our historic commitment . . . to . . . secular public schools . . ."

One can only conclude that Professor Fellman has not faced the hard questions involving the claims of religious parents to some religious content in public schools or, in the alternative, to some assistance for schools where religion is integrated with education. These are the central problems in Church-State relations today. The courts have not yet fully confronted them nor does this author.

Mr. Fellman, after a careful review of recent cases on freedom of speech, leaves the reader in doubt about his view of the 1957 *Roth* opinion in which the U.S. Supreme Court ruled that obscenity may be constitutionally proscribed. The author seems to rejoice that the several *per curiam* opinions of The Supreme Court since *Roth*, all overturning the convictions of lower courts of peddlers in obscene literature, indicate that the Court has not issued "a blank check to the censors." The more basic problem, however, is that the Supreme Court, by its several decisions without opinions since *Roth*, has left the lower courts of the nation in considerable confusion about the nature of obscenity and the extent of state power to ban it.

Mr. Fellman's third lecture chronicles the cases in which the Supreme Court has insisted on "the distinction between advocacy of abstract doctrine and advocacy directed at promoting unlawful acts." Apparently the author is satisfied with this distinction and would not subscribe to the thesis of Justices Black and Douglas that no form of speech can be rendered unconstitutional.

Professor Fellman's volume contains much well-organized material but all too little on the urgent problem of the absoluteness of certain rights. The author perhaps indicates his own disposition towards relativism when he writes that "The right to talk politics is . . . like all rights . . . not absolute." If all rights are relative by what

absolutes do our judges decide on the priority to be given to conflicting rights? This, it is submitted, is the central question in the entire field of civil rights. It is to be hoped that Professor Fellman will turn his gifted pen to an exploration of this basic problem.

ROBERT F. DRINAN, S.J.
Boston College Law School

THE PSYCHODYNAMICS OF FAMILY LIFE: *Diagnosis and Treatment of Family Relationships*. By Nathan W. Ackerman, M.D. Basic Books, New York. xvi, 379 pp. \$6.75

Dr. Ackerman has written a much needed book on the diagnosis and treatment of family relationships and has given many penetrating insights into a major problem area of today—the *neurotic* family.

Dr. Ackerman approaches this whole field after 25 years of clinical and research experience as a pioneer in the field of family therapy. He maintains that treatment which excludes an individual patient's family can rarely, if ever, hope to deal fully with the patient's problems. He poses many challenges to the fields of psychiatric social work, clinical psychology, psychiatry, psychoanalysis, sociology and social science. There are many deep and penetrating insights into familial relationships. He certainly, throughout the pages of his book, makes the family unit live in a most vivid way, and withal there is a warmth and a sincerity of treatment that certainly must bespeak the warmth and the sincerity of the author himself. There is nothing in the book than cannot be accepted by a Catholic worker in the field. I would recommend it wholeheartedly for psychiatric social workers, psychiatrists, psychologists, sociologists, physicians, especially the pediatricians, but above all for the Catholic priest whose pastoral duties and obligations would be only further sharpened by the deep study of this penetrating book. Dr. Ackerman is to be congratulated upon giving this new view to people interested in the bedrock unit of society, the family.

WILLIAM J. DEVLIN, S.J.
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THE CAUSES OF WEALTH. By Jean Fourastié, Translated and edited by Theodore Caplow. Free Press, Glencoe, Ill. 231 pp. \$5

If the concept of wealth can be safely equated with the concept of welfare, the English title of M. Fourastié's work is not seriously misleading. Otherwise, it might have been better for Professor Caplow, the translator, to choose a rendering closer to the original, *Machinisme et Bien-Être*.

Essentially, M. Fourastié, a member of France's General Planning Commission and a professor at the Institute National d'Études Démographiques, is dealing with the causes of improvements in the level of living. If these causative factors, once isolated, can be shown to be at least partly dependent upon human initiative, then we are in a position to improve the level of living of any nation in the world.

With a great deal of impressively organized empirical price and wage data, M. Fourastié buttresses his main thesis that the level of living is a function of labor productivity. The material progress of a people is tied to the scientific quality of their methods of production. "We can now write," he concludes, "that the productivity of labor is the independent variable of contemporary economic development." No increase in the average level of living is possible without an increase in productivity.

To the sociologist, the second half of *The Causes of Wealth* will be especially intriguing. Under the heading, "The Style of Life," M. Fourastié analyzes the effects of technical progress on the human condition.

Technical progress transforms the occupational structure. It shapes the educational system, alters the concept of housing and domestic life, frees man from perpetual subservience to his environment, and creates that revolutionary modern phenomenon, longer life expectancy. In M. Fourastié's view, national disparities in living standards are directly traceable to technical progress—in effect, to *machinisme*.

The solid factual data and sound economic theory in this book recommend it to every social scientist. Apart from these obvious merits, *The Causes of Wealth* provide numerous morsels of unmistakably Gallic logic. For example, the author states that World War II would have been avoided if the work week in France had

been maintained at 50 hours from 1920 to 1929. He believes that French industrial power would have made the Nazis afraid to attack. And he reasons that the intellectual civilization of earlier periods was invariably associated with Mediterranean climates because the lack of window glass in those times made it impossible to read or write between November and April in regions north of the river Loire. The technique of making window glass was the first great achievement of *machinisme*.

JAMES E. KENNEY
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AMERICAN MARRIAGE AND DIVORCE.

By Paul H. Jacobson. Rinehart, New York. xviii, 188 pp. \$12

Information on the occurrence, duration and dissolution of marriage in the United States still tends to be frustratingly inadequate, since we are the only major country without a system of centralized collection of marriage and divorce records. In preparing this valuable reference work the author made competent use of the best available sources, with the result that its more than 100 tables and excellent summaries tell us all that has been learned about the special characteristics of American marriage and divorce. Teachers, students, research workers, and all concerned with problems of the modern family, will find this work highly useful.

THE ANALYSIS OF POLITICAL SYSTEMS.

By Douglas V. Verney. Free Press, Glencoe, Ill., 239 pp. \$6.75

The primary purpose of this book is to demonstrate that political theory, as distinct from political philosophy, is very much alive these days and can be quite relevant to contemporary issues. In support of this assertion, author Verney considers: 1) the structure of governments; 2) the political process; 3) the interdependence of the two and the point at which they come into conflict; 4) some suggestions for rejuvenating liberal democratic political theory to meet the communist challenge.

A comprehensive introduction provides a fine summary and guide to the line of rea-

soning followed in succeeding chapters. Stress is laid on the analysis of political institutions as a corrective for the equally unsatisfactory tendencies to moralistic utopian idealism and excessive realism. The author maintains that the choice in political theory is not between the approach of traditional political philosophy and modern political sociology but between theories of governmental structure and theories of participation in the political process. One may justifiably be concerned mainly with form or with process, but their interrelationship in a concrete situation provides valuable insights to the practitioner of the science of government.

Professor Verney's treatment of the parliamentary, presidential and convention types of government includes excellent definitions of such terms as head of state, executive, government, political system, etc., a useful outline of the salient characteristics of each of the three forms, and a listing of present-day states according to their particular categories.

The dynamic element in political systems is the political process consisting of those "steps which are gone through in the ordering of our political affairs: it concerns the role of people and institutions i.e. what they do) as distinct from their status in the political system i.e. what they are). Above all, it involves the policy-formation of government, not simply its structure." (p.145) Theories of general participation ("classical" or direct democracy, representative democracy, modifications caused by interest groups) are compared with theories of limited participation (elite theories, oligarchy, the Marxian concept of class war). The latter's appeal is said to be due only in part to its "inexorable logic and fascinating historical characterization," since it is as much a "belief as Christianity is despite its claim to depend on scientific evidence and not revelation."

Like most books on political theory, there is, properly speaking, no conclusion, only a clearing up of one or two loose ends. Thus the suggestion is made that political theory couple its probing into forms of government with a comparable interest in the social, psychological and economic aspects of a stable community. Again, to cope successfully with the dynamic thrust of the communist challenge, it is imperative to recog-

nize the impressive economic achievements of the system together with the increasingly evident *political* limitations. A long-term policy of encouraging higher standards of living in communist countries has to be measured against the short term danger posed by a powerful bloc, especially if it possesses even temporary military ascendancy. A more desirable alternative, that of assisting non-communist countries to achieve economic viability by state capitalism, has been steadily resisted by those Americans who are reluctant to encourage public enterprise.

An important message of this book is that the complex problems of modern state systems are by no means solely economic. Stability and power result from a wise combination of material, technological, political, moral, managerial and organizational facilities. The quality of the leadership and the pattern of decision-making may hold the key to survival.

PATRICIA BARRETT, R.S.C.J.
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THE ELEMENTS OF LAW. By Thomas E. Davitt, S.J. Little, Brown, Boston, xxi, 370 pp. \$9

This book is intended by its author as an introductory treatise on jurisprudence, i. e., the philosophy of law, intended primarily for the education of law students. It seeks "to make the student aware of the relation between problems in law and their non-legal assumptions," by showing "a coherence between a means-end philosophy of life and the philosophy of law." But the scope of the work is not intended to include either the history of law or the history of the philosophy of law. It is not concerned with "a comprehensive ethical evaluation" of the content of the legal order, such as would be presented by a comparative study of the Schools of Jurisprudence.

The work consists of four parts. In Part I, positive law, or as the author prefers to call it, man-made law, is examined from the points of view of its nature, end, content, source, sanction, and obligation. In Part II, natural or man-discovered law is discussed from approximately the same points of view, together with a short consideration of the relation of man-discovered

law to man-made law. Part III covers the integration of man-made law with man-discovered law in the fields of constitutions, crimes, torts, property, contracts, and equity. Part IV deals with the political background of law, as an instrument of government, which is the agency of political union for the promotion of the common good.

Without doubt, the author has made a valuable contribution to classroom materials for the teaching of jurisprudence. It may be said, however, that he has taken positions on certain matters which are distinctive and may not be favored by all natural law jurists, including those who accept the doctrine of scholastic natural law. Thus, it may be disputed whether it would be wise to abandon the expression, "natural law," in favor of some other descriptive term. The expression "objective" or "scholastic natural law" is perhaps sufficiently descriptive of the concept of an authoritative moral order imposed on men by a divine Lawgiver, perceived by reason, with a central core of immutable truth.

Again, the historic dispute as to whether American political philosophy was derived from the scholastic jurist, Bellarmine, or the non-scholastic jurist, Locke, is still unresolved, since there is yet no evidence that the Founding Fathers committed themselves on this point. But on the objective level, the philosophy of self-evident truth, obviously absolute, as the unshakable foundation of certain inalienable rights, coincides with the philosophy of Bellarmine.

Furthermore, the traditional scholastic position is that the state is a moral person, in the sense of a metaphysically existing entity which is essentially related to the members of politically organized society. This entity is not a mere fiction, for it is something, namely, an *ens rationis*. The state is thus more than a mere political union, just as a corporation is more than the aggregation of the incorporators.

The chief merit of the book is that, unlike the work, *The Nature of Law*, by the same author, which this reviewer had the privilege of reviewing in 1950, it undertakes to relate the most significant principles of the natural law to important, specific, substantive areas of the Anglo-American legal system. Father Davitt is to be heartily congratulated on authoring the first formal treatise on a phase of juridical

thought which has too long been neglected. It provides a text on which the natural law jurist may build in demonstrating how the natural law has historically exerted an enormous influence in the formation of our juridical institutions. The historical dimension is the next phase of legal scholarship which awaits exploration by proponents of the Thomistic tradition by way of formal treatise.

BRENDAN F. BROWN
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POSTWAR ECONOMIC TRENDS. Edited
by Ralph E. Freeman. Harper, New York,
384 pp. \$6

One inescapable fact emerges from a reading of the ten essays in this newest effort of MIT's Center for International Studies: the United States has moved from the modern to the post-modern world. Whether the topic treated is fiscal policy, organized labor, corporate finance, or international trade, the one continually emerging theme is that the economic milieu of U.S.A. 1960 is qualitatively different from U.S.A. 1933 or even 1946. On the very first page W. W. Rostow asks whether "the emergence of American society to a stage of tightly organized urban life, accompanied by high and secure levels of consumption, has brought with it a change in American values."

If this question calls to mind Galbraith's *Affluent Society*, several of M. A. Adelman's observations suggest the same Harvard professor's Countervailing Power thesis. Adelman contends that American corporate business may be weakened politically by its very size. He points to Italian and French business groups who seemingly have more power to avoid sharing equitable burdens of taxation and competition than their larger American counterparts. And in these European strongholds of small business the social peace is more precarious and class struggle more imminent. "It may be," says Adelman, "that the capitalist order is stronger and more stable precisely where there is a very considerable divorce of the population from the means of production." How could we get further from the atmosphere of the TNEC hearings of the late 1930s?

E. Cary Brown challenges an economic

commonplace currently enjoying considerable popularity. The generalization is frequently heard that expansionary fiscal action will be promptly exercised by the federal government in a recession—thus introducing an inflationary bias into our economy. But Brown shows that neither Fair Deal nor Modern Republican Administrations have proposed enlarged budgets as a stabilizing policy in any of the three postwar recessions.

Abraham Siegel and Charles Meyers collaborate to discuss organized labor's prospects in a world where white collars have come to outnumber blue. Alfred Chandler shows the effect scientific research and the development of new products has had on the structure of corporate management. Inevitably, the result of research and product diversification, whether at General Electric, International Harvester, Jersey Standard, or Du Pont, has been decentralized management. Unfortunately, Paul Samuelson's contribution consists merely in some low pressure *obiter dicta* on the history of professional economic study in the United States. Ralph Freeman, Robert Solow, Charles Kindleberger, Eli Shapiro and Morris Mendelson analyze monetary policy, income distribution, international trade, and corporate finance in the postwar period.

One or other of the essays attempts too much. They begin at the beginning and hence have to run hard to catch up; Siegel and Meyers, for example, carry us once again by the Railway Labor Act, the Norris-LaGuardia Act and the Wagner Act. But the overall quality of *Postwar Economic Trends* will probably bring wistful tears to the eyes of many a departmental chairman: all the contributors are MIT professors.

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SUCCESSFUL AMERICAN FAMILIES. By
Carle C. Zimmerman and Lucius F. Cervantes, S.J. Pageant Press, New York,
226 pp. \$3

A long time ago, it seems now, Canon Jacques Leclercq, when writing for *Commonweal*, expressed the thought that the degeneration of the American family was actually a regeneration, due to the emancipation of woman, and he saw in this a

cause for optimism. This optimism, in another form, is expressed in the short empirical study under review. When the fads in American sociology became too apparent, Sorokin attacked, at great cost to himself, in order to bring about some balance between conceptualization and empiricism. With Kinsey's fabulous reports, we learned too that there was a good deal of lip service to the sexual ideals of Christianity but very little compliance. Now, two distinguished sociologists have formed a team to present some views and considerable statistics to show that the American family picture appears to be quite hopeful and that for a variety of reasons, which it is not necessary to repeat here, there is something to look forward to in the way of solidarity and happiness.

Those who are familiar with Professor Zimmerman of Harvard are aware of his lack of fear in making certain value judgments, and one does not have to know Father Cervantes very long to realize that he is fully aware of what problems have not been solved, what problems are being solved, and what hopes lie ahead for a people in whom he places great faith. Aside from the scientific reporting in this brief work, there is a sense of history and a cause for optimism. The combining of the talents of these two writers augurs well for future investigation by them in the service of their science and their homeland.

ALLEN SPITZER
Saint Louis University

RELIGIOUS BEHAVIOR. By Michael Argyle, Free Press, Glencoe, Ill., 196 pp., \$5.00

Although efforts at discovering empirical generalizations or laws governing religious beliefs, behavior and experience (together with formulating theories or mechanisms to explain these laws) are not new, they are currently attracting unusual interest among social scientists. In this study of the social psychology of religion in Britain and America since 1900, the author tries to establish a basis of solid empirical facts by drawing on a variety of statistical sources such as church records, social surveys, and psychometric studies. These data give some indication how religious behavior and

belief vary with personality factors, age and sex, environmental experiences, social class, and other variables. Finally, various theories of religion are tested against these findings. The result is a highly interesting study, but it should be noted that available statistical sources remain so inadequate and are of such varied scientific quality that it appears premature to speak of theory-testing.

CRIMINOLOGY & PENOLOGY. By Richard R. Korn and Lloyd W. McCorkle. Holt, New York. xii, 660 pp. \$6.50

The authors of this book are both professional educators and practicing administrators in a penal system in New Jersey. One is a psychologist and one a sociologist who have handled many assignments within the New Jersey penal system. In part one of the book they cover an introduction to data of criminology, references to criminology as a science, crime statistics, sources and problems of crime, past and present modes of punishment and an historical background of the laws and customs from which penal laws affecting imprisonment originate.

Considerable attention is given in part two to police agencies, their power, functions and problems and the public's attitudes toward them. The authors present an excellent description and analysis of the local, state and federal institutions of the United States from the viewpoint of the institution's function as a physical plant, in part three. The final part of this section deals with the inmate community itself and the make-up of its population. An enlightening picture of the social strata of prison inmates, their inner fears, their external acting in a prison community, their relation to their keepers, and their needs for recognition are explored.

Emphasis is placed by the authors on that phase of the social problem within the community which is thought to be responsible for the increase in delinquency and crime. This discussion by the authors embraces the factors of increased leisure time of youth and adults alike, long postponement of adult responsibility, wider range of activity alternatives open to the unemployed but money-hungry adolescent, and other factors leading to unconventional activities.

The book has an excellent section on new methods employed in modern prison programming. These programs include group counselling and the united efforts of professional and non-professional disciplines in reaching every aspect of the inmate's problems. An understanding is conveyed of the long standing problem of how to effect punishment and rehabilitation within a prison community, with the keeper and the treatment personnel being one and the same in most instances. The volume points up the need for the recoding of our criminal laws, the dearth of good research, particularly at the adult criminal level, and the need of public understanding and active support of penal programs.

My only criticism of this book is one I register with the bulk of texts in criminology and penology. It does not go into much detail as to the importance of religious foundation as a crime deterrent. If our programming within prisons can bring the inmate back to the practice of his religion, no matter what denomination the inmate, a better foundation may be established for all the other services to be successful in the total retraining and salvaging of the man.

JOHN A. GAVIN
Belmont, Mass.

CONTEMPORARY SOCIOLOGY. Edited by Joseph S. Roucek, Philosophical Library, New York, 1209 pp., \$12

Current attempts to review recent developments in sociology reveal all too clearly that sociology can be considered a single discipline only in the sense that sociologists as a group tend to be concerned with the study of social life. For example, in preparing this synthesis of the various trends in the most prominent fields here and abroad, the editor of the present volume called upon no less than 58 experts, yet the coverage remains admittedly incomplete.

Some may question whether such an inventory can serve any useful purpose. Obviously it does not constitute an adequate introduction to the different fields of sociology and may have limited usefulness for the advanced student. On the other hand, until we have another *Encyclopedia of the Social Sciences*, one-volume reviews of this type can be useful. The majority

of contributions in this text are quite satisfactory considering the limitations of space, though there is some overlapping and considerable variety in approach. Readers will find the treatment of "Trends Abroad" particularly enlightening.

JOHN L. THOMAS, S.J.

SOCIAL PSYCHOLOGY. By Jack H. Curtis. McGraw-Hill, N. Y. 435 pp. \$7.50

This book is much to my liking for the introductory course in social psychology. It is both sociological and psychological with chapters on Collective Behavior, Small Groups, Leadership, Biological Organism, Motivation, Learning, Personality and others. It is remarkably well-organized and lucidly written. Beginning students will undoubtedly be spared the usual confusion over what the subject matter of social psychology is as contrasted with that of psychology, sociology and anthropology. And this is no small achievement.

This text is presented as "written predominantly for the Catholic reader." Some may argue (and I am one) that the philosophical and theological implications in social science writing might better be dealt with by the professor than by the textbook.

PAUL F. HANLON
Saint Louis University

RELIGION AND POLITICS. Edited by Peter H. Odegard. Oceana, New York. xii, 219 pp. \$5 cloth, \$1.85 paper

This is a background book, collecting relevant texts on the issue of the relation of religion, especially Catholicism, to the American political system. Excerpts from Jefferson and Madison illustrate one view of the meaning of the First Amendment; another section briefs the history of bigotry; the Charles C. Marshall-Governor Smith exchange is reprinted; Paul Blanchard argues and is answered; voting behavior of religious groups is analyzed; the questions raised by the Kennedy candidacy are spelled out in newspaper and magazine articles. A valuable reference book for the 1960 Presidential elections and for the future, illuminating what James Reston has termed "The Issue That Won't Go Away."

BEYOND THE MOUNTAINS OF THE MOON. By Edward H. Winter. University of Illinois Press, Urbana. xi, 276 pp. \$5.50

Professor Winter of the University of Virginia has demonstrated how much one can learn about culture through recording case histories. The lives of four Africans, with appropriate introduction and conclusion, makes for one of the most fascinating examples of cultural studies to appear in recent times and shows significantly what it means to observe a people in a period of rapid social change and transition. While the method used is simple enough, the results tell us a great deal about the Amba people of Uganda. The striking contrasts between Christianity (which means progress and education to these people) and the traditions of their ancient way of life again illustrates the theme that we must analyze the religious structure in terms of viewing the new religion as an overlay resulting in a syncretic fusion of various fundamentals.

ALLEN SPITZER
Saint Louis University

THE MARRIAGE BED. An Analyst's Casebook. By Harry F. Tashman, M.D. University Publishers, New York. 303 pp., \$4.95

Although Dr. Tashman does not take the pessimistic view that it's a short step from the Marriage Bed to the Analyst's Couch, the 15 case histories he discusses in such highly readable manner suggest that marriage is no cure for neurotics. Provocative chapters on "Doormat Wife," "Mixed Marriage," "The Calculators," "The Mother-in-Law," etc., reveal the hidden needs and desires that draw couples together or drive them apart. The psychoanalyst, of course, develops his own approach to their problems, yet we need not accept all the elements in his analysis in order to profit from his description. It is the author's hope that readers will gain additional insight into themselves and their marriages by studying these typical cases of marital breakdown. While the likelihood of this happy outcome may be questioned, all will probably enjoy learning how one successful marriage counselor handles troubled marriages.

Letters

"The Economic Republic"

I appreciate very much the Editor's sending me the September issue with Father Harbrecht's article, "The Economic Republic." But I find it hard to comment on it. I am of course in basic agreement with the diagnosis. And indeed even with the conclusions. With due respect to the author, he only says what I said in my book *The New Society* in 1950 and then, with respect to the impact of the institutional investors, in my articles in 1955 and the book drawn therefrom and published in 1957 under the title *America's Next Twenty Years*. I am only too happy to see someone as serious, as clear and as authoritative joining hands with me.

My comments, if any, do not address themselves to the things which are peculiarly Father Harbrecht's but to some basic assumptions which he shares with a great many of his fellow-theologians—assumptions

which have been bothering me about the whole concept of "social action" for a good long time. I only feel that Father Harbrecht brings out more clearly what is bothering me—and thereby hits me more—than any other writer in this field.

I hope you will permit me to submit these two things that bother me. Father Harbrecht argues that in the modern industrial society we do not have what anybody still understands under the term "capitalism." He is absolutely right. He further concludes that the business enterprise (and this, of course, would also go for the labor union) has become affected with the public interest and, therefore, must be conducted in, and regulated by, the public interest. He is absolutely right. But then he very much disappoints me by automatically identifying "public interest" with "government." This is false in logic and false in political theory. It is in its way the same kind of mistake which

Father Harbrecht would very much resent, a mistake that says "because the Catholic Church preaches that certain areas, such as that of the freedom of the conscience, are outside of the reach of secular government, it therefore follows that the Church claims that it has complete control over it." All that follows is that the government should not have control—and that there has to be some organized, systematic, value-focused process of setting standards and goals.

In other words Father Harbrecht—and a good many of his colleagues and friends—seem to me to fall into the very error of the "Erastians" which they would be the first to condemn: the false either/or of a concept of absolute, total and indivisible sovereignty.

I do believe that there is a very real need for business enterprise—and labor unions, too—to develop (or have developed for them) the basic logic of private conduct in the public interest. I also believe that there is need for some regulation that sets limits to their freedom of action and of power and that, for instance, enforces society's need for some orderly and rational system of succession in either institution under which there is at least a chance (a) to get a qualified successor and (b) to get rid of an unqualified one. But this is something completely different from the blind—and, I am afraid, quite misguided—acceptance of the "government" as an organ for organizing, determining and dispensing what is in essence a problem of morality and not police problem.

Closely allied with this is the point where I am probably in much greater basic doubt and disagreement, the play on words which Father Harbrecht, it seems to me, makes on the word "property." I hope Father Harbrecht will forgive an old constitutional lawyer—which I am—to be pedantic. Father Harbrecht says: "To be sure, these funds are the focus of countless contracts, claims and other legal relationships—but no one can really be said to own them." To a constitutional lawyer, however, there is no other definition of "property" than that it is the "focus of countless contracts, claims and other legal relationships." Especially of such that exclude other people from the enjoyment of the fruits of this bundle of legal relations.

What I believe misleads Father Harbrecht

here—I talked this point out with Father Gundlach in Rome many years ago (and was as soundly damned by him for a "radical" as I shall be damned by Father Harbrecht for a "reactionary")—is that "property" is an entirely different thing in a non-market economy from what it is in a market economy, especially in one that has become completely monetized. The distinction has been drawn very clearly by Aristotle in his *Politics* but no one seems to notice it, except legal and economic historians. As long as you do not have a market economy property is indeed what the medieval Church and modern communism believes it to be: namely, the protection of the freedom of the individual against arbitrary power. It is then something to which the individual can retire and on which he can live, in self-sufficiency, as a good and charitable neighbor and yet outside the "social contract" and, therefore, outside the demands of society. In a non-market society, property (and this then means only land, of course) sets absolute limits to the political power. It can kill a property owner. But it cannot destroy property as such and the absolute protection property gives.

But in a market economy, especially in one that is fully monetized—and this stage has been reached in Europe only within the last 50 years during which the European "peasant," who was essentially outside the market economy, has become a "farmer," that is a member of the market economy to the fullest extent—"property" becomes exactly what Father Harbrecht calls the institutional investors: a bundle of contracts, claims, and so on. It is no longer in any way a protection of the individual. Because it can be dissolved into monetary claims and monetary rights or because it can be made completely liquid, it is no longer outside of the reach of government and society but right smack in it; dependent upon them in the fullest extent.

This does not argue for "socialism." It does also not argue for or against "capitalism." It only argues against the position which says this is "property" because it looks like what used to be "property." We need badly a self-sufficient domain of the individual which sets an absolute limit to the political power. Without it the struggle against the voracious political leviathan is simply endless and frustrating. Without it,

also, the whole concept of individual responsibility in a society that has gone stark, raving mad, is insoluble. But we cannot possibly expect the antiquarian formula to be adequate. We are in trouble precisely because "property," in any sense in which Father Harbrecht (or Aristotle or St. Thomas) would use the term, does not exist today. The closest perhaps today is high professional knowledge or very high mechanical skill—as rare as property ownership used to be and, in its own way, as inalienable. It has the distinction, however, of not being capable of being inherited. I am not sure that this is necessarily weakness.

Let me say in conclusion that Father Harbrecht is absolutely right. We have socialized ownership without nationalizing it. This creates indeed a new society—I said that ten years ago. But it does not create a problem of "property" any different from the one we have now been living with for almost 300 years. To be sure, it makes for more employment of lawyers, especially tax lawyers. But I am afraid it makes no new work either for theologians or for political scientists—let alone for such moralists as both Father Harbrecht and I are.

PETER F. DRUCKER

Montclair, N.J.

Right-to-Work

Readers of SOCIAL ORDER who favor the Right-to-Work principle, the principle of voluntary unionism, have hoped in vain for some statement from the editors that would allow some respectability to the principle. Now we have the Vatican itself supplying for the lack of that statement.

As most of your readers likely know already, a letter from Cardinal Tardini, Vatican Secretary of State, speaking the Holy Father's mind, was read to the Semaine Sociale, Grenoble, on July 12, pointing out the dangers of over-socialization. Such over-socialization meant dehumanization, interfering with the normal development of the individual through self-activity. The Vatican letter acknowledged the usefulness of such "intermediate bodies" as trade unions, but insisted that membership in them should be offered to, not imposed upon the individual. The individual then, "Fully conscious of what is at stake, moved by his apostolic zeal, . . . makes a personal en-

gagement with those communities that surround him, the result of a free justified choice of careful thought about himself; that is for him—it must be stated without fear—a very useful and up-to-date manner to bear witness in the eyes of men to the Christian ideal that impels him."

The Vatican letter is remarkable for its general support of the conservative concept of social relations. Readers of SOCIAL ORDER would be much indebted to the editors for a thorough and frank treatment of the Vatican message.

JOHN E. COOGAN, S.J.

West Baden College,
West Baden Springs, Indiana.

The essential differences between the trade union movements in Europe and the United States, along with the reason for the Church's advocacy of voluntary unionism there, were set forth in two articles in our March, 1959 issue: "Christian Trade Unions: The European Scene" by Père Georges Jarlot, S. J. and "An American Rejoinder" by Stephen F. Latchford, S. J. See also ". . . just a few things" in the same issue.—The Editor.

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